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January 29, 2007

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Agenda No. 68  
06/07/06

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**Re: CONDITIONAL USE PERMIT NUMBER 00-194-(5)  
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a public hearing on the appeal by Browning-Ferris Industries ("BFI") of the Regional Planning Commission's ("Commission") denial of the above-referenced conditional use permit ("CUP"). The requested CUP would modify the previously approved County conditional use permit for BFI's operation of the Sunshine Canyon Landfill.

The Sunshine Canyon Landfill is located in both the County and the City of Los Angeles ("City"), and BFI has also obtained entitlements from the City to conduct landfill operations in the City. The requested CUP will generally harmonize the respective City and County permits, and will also authorize BFI to operate an anticipated combined City/County landfill in the future.

At the conclusion of your hearing, your Board indicated its intent to grant BFI's appeal and approve the new CUP, subject to revised conditions, and instructed us to prepare the appropriate findings and conditions for approval. Your Board instructed that revised conditions be prepared which address: 1) a closure date for the Landfill; 2) the use of alternative fuel trucks at the landfill; 3) requirements for the landfill liner; 4) limitations on the number of days that waste overages are allowed; and 4) the required radius for BFI to remove wind-blown trash (which is based upon the results of an analysis that your Board directed the Department of Regional Planning to undertake).

The Honorable Board of Supervisors

January 29, 2007

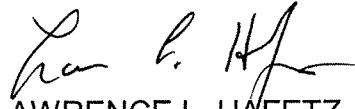
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Your Board also directed that the proposed project conditions be revised to incorporate provisions from the City permit for Sunshine Canyon where such provisions are more restrictive and would result in greater protection for the surrounding community. The enclosure to this letter discusses the manner in which County staff's proposed conditions have been modified and new conditions added in order to implement this "more restrictive condition" requirement.

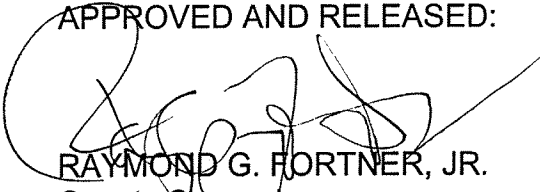
The enclosed findings and conditions are now presented to your Board for your consideration and possible adoption. The Department of Regional Planning will be providing the final environmental documentation to your Board under separate cover.

Very truly yours,

RAYMOND G. FORTNER, JR.  
County Counsel

By   
LAWRENCE L. HAFETZ  
Principal Deputy County Counsel  
Property Division

APPROVED AND RELEASED:

  
RAYMOND G. FORTNER, JR.  
County Counsel

LLH:di

Enclosures

## ATTACHMENT

In accordance with your Board's motion, the proposed conditions for Conditional Use Permit Number 00-194-(5) include the following revised/new provisions derived from the City of Los Angeles permit for the Sunshine Canyon Landfill based upon a determination by staff from the Departments of Regional Planning and Public Works, that such provisions would result in greater protection to the surrounding community than provisions originally proposed by County staff.

1. Condition No. 1LL - Definition of "Landfill" (revised). To be consistent with the City permit, the definition of "Landfill" in the County permit has been modified to prohibit the allowance of settlement to determine the final elevations or contours of the Landfill;
2. Condition No. 17(E) (new). Consistent with the City permit, a condition has been added to the County permit to require BFI to contact the Department of Parks and the Santa Monica Mountains Conservancy at the end of the post-closure maintenance period to determine if either agency would be interested in accepting the Landfill for parkland purposes;
3. Condition No. 19 (revised). Regarding possible expansion efforts by BFI, the first paragraph of Condition No. 19 originally provided that the conditions of approval do not prohibit BFI from applying for any new permit to expand the Facility or otherwise modify the conditions of the grant. To be consistent with the City permit, that provision has been deleted and replaced with a provision prohibiting BFI from seeking approval of any additional expansion of the Landfill in the County pending the establishment of a joint powers agreement with the City to operate the Landfill;
4. Condition No. 23(D) (revised). Regarding waste usage, County staff originally proposed requiring BFI to use all waste received and processed at the Landfill as an alternative to daily intermediate and final cover to the extent technically feasible. To be consistent with the City permit, this requirement has been revised to prohibit BFI from using contaminated soil or other specified materials for alternative cover material;
5. Condition No. 29 (revised). Regarding hours of operation, County staff originally proposed allowing the Landfill to conduct site preparation and maintenance activities one hour before the Landfill scales open at 6:00 a.m. The City permit does not allow these activities before the scales open. Accordingly, this allowance has been removed from the County permit;
6. Condition No. 49 (revised). Regarding community complaints, County staff originally proposed requiring BFI to maintain on-site staff to respond to community complaints. To be consistent with the City permit, this condition has been enhanced to also require BFI to maintain a hotline/emergency log to record these complaints and to record BFI's response;

7. Condition No. 78 (new). Consistent with the City permit, a condition has been added to the County permit to prohibit BFI from accepting waste that originates outside of Los Angeles County;
8. Condition No. 79 (new). Consistent with the City permit, a condition has been added to the County permit to require BFI to prepare and distribute a quarterly newsletter to interested parties addressing various activities at the Landfill for the quarter. In addition, this new condition requires BFI to notify all parties, including the Community Advisory Committee and the Granada Hills North Neighborhood Council, of all operational changes at the Landfill that were not fully evaluated in the environmental documentation for the project, and to allow these parties to comment on and request hearings regarding these operational changes;
9. Condition No. 80 (new). Consistent with the City permit, a condition has been added to the County permit to require BFI to remove graffiti at the Landfill and to establish a graffiti deterrent program;
10. Condition No. 81 (new). Consistent with the City permit, a condition has been added to the County permit to require BFI to conduct air quality monitoring at the Landfill and to retain an independent air quality consultant for that purpose. If the consultant's test results show that the air quality near the Landfill is inconsistent with the supporting environmental documentation for the City project, BFI will be required to develop a corrective action plan to reduce air quality impacts at the Landfill;
11. Condition No. 82 (new). Consistent with the City permit, a condition has been added to the County permit to require BFI to install video monitoring equipment at the Landfill to monitor the Landfill's operations and to ensure compliance with the permit conditions;
12. Condition No. 84 (new). Consistent with the City permit, a condition has been added to the County permit to require BFI to provide a back-up generator at the Landfill for emergency use in case of prolonged power outages at the Landfill; and
13. Part XII(E) of the Implementation and Monitoring Program ("IMP") (new). Consistent with the City permit, a condition has been added to the IMP to require the Technical Advisory Committee, at BFI's expense, to retain an independent consultant for at least five years to monitor BFI's compliance with the conditions and mitigation measures of the grant.

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
CONDITIONAL USE PERMIT NUMBER 00-194-(5)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing on proposed Conditional Use Permit 00-194-(5) ("Replacement CUP") on June 7, 2006. The hearing was an appeal by the applicant, Browning-Ferris Industries of California, Inc. ("BFI"), pursuant to Section 22.60.200, et seq., of the Los Angeles County Code ("County Code"), to challenge the December 21, 2005, final action of the Los Angeles County Regional Planning Commission ("Commission") which denied the Replacement CUP. The Commission's public hearing, continued over several dates, was held on December 1, 2004, January 12, 2005, April 6, 2005, August 10, 2005, and November 3, 2005. The Commission also conducted a site visit of the subject property on March 28, 2005.
2. The applicant is requesting the Replacement CUP to modify and supersede previously approved Conditional Use Permit 86-312-(5) ("Original CUP"), described further below, which authorized the operation of the Sunshine Canyon Landfill, a Class III (non-hazardous) solid waste landfill ("Landfill"). The Landfill crosses the jurisdictional boundary of the County and the City of Los Angeles ("City"). The applicant is the owner/operator of the Landfill.
3. The subject property is located adjacent to and southwest of the interchange between the Golden State ("I-5 Freeway") and Antelope Valley ("14 Freeway") Freeways, near the communities of Sylmar and Granada Hills in the Newhall Zoned District.
4. The overall area of the site is approximately 1,036 acres, approximately 542 acres of which are in unincorporated County territory, and approximately 494 acres of which are in the City.
5. The site is characterized by hilly terrain. The property takes access from San Fernando Road in the City. A paved driveway leads from a gated entry to the Landfill scale house and scales, and then to its administrative facilities and a caretaker house, all located in the County. As Landfill operations proceed, the administrative facilities, caretaker house, and scale house and scales will be relocated to the southeast of the property on the City side of the site, and the driveway will be realigned accordingly.
6. The subject property is zoned A-2-2 (Heavy Agricultural-Two-acre Required Area).
7. The surrounding properties are zoned as follows:  
  
North:           A-2;  
  
South:           [T] [Q] M3-1-0 (Heavy Industrial);

East: A-2; and

West: A-2.

8. Pursuant to the Original CUP, the subject property was developed as an operating Class III (non-hazardous) landfill.
9. The Landfill's surrounding land uses consist of:
  - North: Open Space and the I-5 Freeway;
  - South: Open Space (Bee Canyon - containing 490 acres of permanent open space), gas storage fields, O'Melveny Park, the City landfill, and a 100-acre buffer area, beyond which are single-family homes in Granada Hills;
  - East: City portion of the Landfill and the I-5 and 14 Freeways; and
  - West: Open Space (East Canyon – 426 acres of permanent open space).
10. In 1986, the applicant applied for its original entitlements to operate the Landfill in the County. At the time, landfill operations were occurring on the City side of the site, and the applicant sought to extend landfill capability into County unincorporated territory. Landfill operations in the City ceased in 1991 and were reactivated pursuant to certain City entitlements in 1999, discussed below.
11. The County entitlements requested in 1986 were the Original CUP, Oak Tree Permit 86-312-(5), Compound Plan Amendment 90-2-(5), and Sub-Plan Amendment 86-312-(5).
12. On February 19, 1991, the Board certified the project's Final Environmental Impact Report ("FEIR") pursuant to the California Environmental Quality Act ("CEQA"), and approved the Original CUP, Oak Tree Permit, Compound Plan Amendment, and Sub-Plan Amendment. Following the County approvals, the North Valley Coalition of Concerned Citizens, the community group representing several communities surrounding the Landfill ("North Valley Coalition"), and the City filed a lawsuit challenging the County approvals on CEQA grounds. On April 22, 1992, the County approvals were ordered vacated by the Los Angeles Superior Court pursuant to a Peremptory Writ of Mandate. In response to the Writ, the County prepared an Additional Environmental Analysis to supplement the FEIR. On November 30, 1993, with the additional environmental documentation, the Board re-certified the FEIR, and re-certified and re-approved the project and all of its entitlements.
13. The FEIR addressed the Landfill's environmental impacts with a combined waste capacity of 215 million tons in the County and the City. However, the County approvals authorized significantly less landfill capacity, discussed in paragraphs 15 and 16, below.

14. The County approvals indicated that the Board contemplated the eventual development of a combined City/County landfill, discussed in paragraphs 16 and 17, below. In the approvals, the Board directed the applicant to pursue City land use entitlements for such development.
15. The Original CUP authorized the development of a 215-acre Landfill footprint, with an estimated net airspace waste capacity of 16.9 million tons. The approved average daily waste intake was 6,000 tons, resulting in an approved average weekly waste intake of 36,000 tons based on a six-day week. The 16.9-million ton design was shown on the approved site plan marked Exhibit A.
16. In addition to approving a 16.9-million ton design, the Board also approved an alternate design, shown on the site plan marked Exhibit A Alternate. Exhibit A Alternate depicted a combined City/County landfill, with an estimated waste capacity of 35 million tons on the County side, and a combined waste capacity of 100 million tons. The development of the combined City/County landfill was contingent on the applicant obtaining appropriate entitlements from the City.
17. In connection with the anticipated combined City/County landfill, the Board imposed Condition 10(b) in the Original CUP. Condition 10(b) required the applicant to diligently seek entitlements from the City to allow landfill operations in the City consistent with Exhibit A Alternate. If these City approvals were obtained, Condition 10(b) established the parameters that would allow the applicant to increase its waste capacity on the County side by approximately 18 million tons through the development of a 42-acre "bridge area" adjacent to the City/County boundary without further amendment to the Original CUP. Under Condition 10(b), the applicant could use this bridge area only "as necessary to complete the City authorized design," as set forth in the City entitlements. The applicant had no authorization to use the bridge area unless the terms of Condition 10(b) were satisfied.
18. As of the date of the Replacement CUP application, no agreement between the County and the applicant had been reached regarding whether Condition 10(b) had been satisfied. As a result, the applicant has not been authorized to use the bridge area described in the Original CUP. The Replacement CUP, however, supersedes the Original CUP, and Condition 18 in the Replacement CUP governs the use of the bridge area in a manner consistent with the new permit.
19. The Oak Tree Permit approved with the original County approvals authorized the removal of an estimated 2,850 oak trees from the subject site to allow extension of the Landfill into County area. The conditions of approval included requirements for the replacement of the removed oak trees, protection of the remaining oak trees, and the establishment of a program to enhance regional oak tree resources in the area. The Replacement CUP has no effect on the original Oak Tree Permit approval.

20. The Compound Plan Amendment and Area Plan Amendment approved with the original County approvals were amendments to the County General Plan and the Santa Clarita Valley Area Plan ("Area Plan") regarding Significant Ecological Areas ("SEAs"). The subject property on the County side was located entirely within an SEA and the General Plan and Area Plan prohibited landfills in an SEA. Accordingly, the Board amended the County General Development Policy Map, the Land Use Policy Map, the Special Management Areas Map, and the Santa Clarita Valley Area Map to exclude the subject site from an SEA. The subject site was re-designated Non-Urban Hillside on the General Development Policy Map, Rural ("Non-Urban") on the Land Use Policy Map, Hillside Management on the Special Management Areas Map, and Hillside Management on the Santa Clarita Valley Area Map. The Board also re-designated the site as a planned landfill extension on the Solid Waste Management Plan Map. The Board found that removal of the landfill site from the SEA, which comprised approximately 2.5 percent of the SEA area, would not substantially inhibit gene flow or wildlife movement in the area. Moreover, the action was found to promote the public interest by avoiding any impending waste disposal crisis in the County.
21. The Original CUP findings indicated that the Landfill would have a number of ancillary facilities, including, but not limited to, offices, employee wash rooms, parking facilities, and a caretaker residence. The findings also showed intended ancillary uses at the site, including, but not limited to, waste diversion operations, gas and leachate collection, and water and waste recycling.
22. Among other requirements, the original County approvals required the applicant to: (1) dedicate 426 acres in East Canyon, just west of Sunshine Canyon, to the Mountains Recreation and Conservation Authority ("MRCA") as permanent open space; (2) acquire and transfer 490 acres of Bee Canyon, south of Sunshine Canyon, to the MRCA as permanent open space; and (3) dedicate 81 acres around the Landfill perimeter within East, Bee, and Weldon Canyons to the MRCA for public use and hiking trails. These requirements were necessary to ensure the Landfill's compatibility with the surrounding land uses.
23. In 1991, as contemplated in the County approvals, the applicant applied to the City for entitlements to develop the City portion of the combined City/County landfill. The entitlements included a general plan amendment and a zone change under the City zoning ordinance. With respect to CEQA, although the County FEIR had already analyzed the combined City/County landfill's environmental impacts, the City determined that a subsequent EIR ("SEIR") was needed due to differences in the design and operation of the Landfill since the certification of the County FEIR. Accordingly, an SEIR was prepared. Among other things, the SEIR responded to several hundred comments concerning the project.
24. In December 1999, after nine public hearings before various City planning bodies, the City certified the SEIR, approved the project, and authorized the applicant to extend the Landfill into City territory. In so doing, the City adopted the SEIR's conclusion that all impacts of the project, except regional cumulative air quality



impacts, were insignificant after appropriate mitigation measures were implemented. The City found that the project's air quality impacts could not be feasibly mitigated below the level of significance, and thereby adopted a statement of overriding considerations in compliance with CEQA.

25. The City approvals authorized the development of a City landfill, with an approximate 194-acre footprint on the City side and an estimated net waste capacity of 55 million tons.
26. The City approvals also contemplated the development of a future joint City/County Landfill and estimated that the joint operation would have a total net waste capacity of approximately 90 million tons. This capacity included an approximate 18 million ton capacity in the 42-acre bridge area and a 17 million ton capacity on the County side of the Landfill. In the event a City/County Landfill was implemented, the City approvals required the City and County to enter into a joint agreement to determine remaining City and County Landfill capacity at the time joint operations commence in order to provide for the allocation of Landfill tonnage and the related waste disposal fee revenue between the County and City and, if necessary, a separate agreement for the joint oversight of Landfill operations.
27. Although the City approvals contemplated an eventual joint operation, they also recognized that such an operation was uncertain because additional County approvals would be necessary. Accordingly, the City approvals included certain conditions that would apply if the Landfill's operations remained separate in the City and County on separate working face areas. In the event of separate operations, the City approvals allowed for an average daily waste capacity of 5,000 tons on the City side, with a maximum daily capacity of 5,500 tons. In addition, the working face area was restricted to five acres.
28. In August 1996, pursuant to the County's original approvals, the Landfill commenced operations on the County side with an approved daily intake of 6,600 tons of solid waste. In July 2005, pursuant to the City approvals, the Landfill commenced operations on the City side with an approved daily intake of 5,500 tons of solid waste. As of July 2005, the Landfill has been operating as two separate operations.
29. In September 2000, the applicant applied for the Replacement CUP to modify certain aspects of the Original CUP, to harmonize the waste capacity rates between the City and County approvals, and to resolve inconsistencies between the two approvals. The applicant maintains that the Replacement CUP will provide an efficient, cost effective joint City/County Landfill. The applicant's requested modification seeks to:
  - A. Increase the waste capacity on the County side of the Landfill from 6,000 tons to 12,100 tons daily, and correspondingly, from 36,000 tons to 66,000 tons weekly. This increased capacity reflects the aggregate sum of waste allowed under both the County and City approvals and allows the

applicant to dispose the combined amount anywhere within the Landfill footprint irrespective of jurisdiction;

- B. Increase the total working face area for the Landfill;
  - C. Impose new conditions consistent with the City approvals to reduce environmental impacts and operating hours of the Landfill;
  - D. Eliminate requirements of the Original CUP that have produced no benefit, such as the requirement to water the Landfill surfaces on rainy days; and
  - E. Modify the conditions to authorize extended Landfill operating hours and increased capacity for unusual circumstances, such as emergencies.
30. In addition to the applicant's proposed modifications, County staff, including the Los Angeles County Departments of Regional Planning ("Department"), Public Works and Health Services (collectively, "County Staff"), recommended certain updates to the permit to address several solid waste management issues.
31. In processing the Replacement CUP, County Staff determined that, for CEQA purposes, the proposed permit modifications required preparation of an addendum to the previously certified County FEIR and City SEIR ("Addendum") and an Addendum was thereby prepared.
32. The Commission held a duly noticed public hearing, continued over several dates, to consider the Replacement CUP. The hearing was held on December 1, 2004, January 12, 2005, April 6, 2005, August 10, 2005, and November 3, 2005. The January 12, 2005, continued public hearing was held in the community at Granada Hills High School. For the initial hearing date, hearing notices were sent to property owners within a 1000-foot radius of the Landfill, to 39 interested community groups, and to 24 government agencies. The Commission also conducted a site visit of the Landfill on March 28, 2005. The legally required advertising for the public hearing was published in the Los Angeles Daily News. Case materials were made available in a number of libraries, including the Valencia, Newhall, Canyon Country, San Fernando, Granada Hills, Sylmar, Northridge, and Los Angeles Central libraries.
33. At the hearing, the Commission received extensive correspondence and heard extensive testimony in favor of and against the Replacement CUP. Local residents and the North Valley Coalition raised significant concerns regarding the project, asserting the following: (1) the Landfill should have a definite closure date and/or a maximum tonnage capacity rather than having design contours to define capacity; (2) the proposed conditions are inadequate to assure adequate funding for the Landfill's post-closure maintenance activities; (3) the Landfill should use alternative fuel vehicles for all light duty vehicle operations at the Landfill; (4) the permit should require certain community protection programs, including an emergency hotline; (5) the permit should require the applicant to fund traffic mitigation measures to enhance traffic flow around the facility because of the alleged traffic problems in the

area; (6) the penalty provisions in the permit for non-compliance should be enhanced; and (7) if a combined City/County landfill is developed, for any matter that has a separate but different requirement in the respective City and County permits, the County should require that the more restrictive condition apply to the combined Landfill.

34. Proponents of the Replacement CUP, including the applicant, testified that the combined City/County operation would: (1) allow for needed disposal capacity in the region in light of the current daily waste export of 8,000 tons to other counties; (2) provide a single area to off-load trash, rather than two areas, thereby reducing the amount of equipment and associated emissions on-site; (3) provide a more efficient operation of the Landfill, thus keeping disposal costs down for County residents and businesses; and (4) reduce long truck trips to the facility, thus improving traffic and regional air quality. Proponents also asserted that the applicant has been a good corporate citizen and has operated the Landfill in an environmentally sound manner.
35. At the November 3, 2005 continued public hearing, the Commission closed the public hearing and continued the matter to November 21, 2005, for voting purposes. On November 21, 2005, after deliberation, the Commission indicated its intent to deny the Replacement CUP. On December 21, 2005, the Commission took final action to deny the permit.
36. The Commission found there was a regional need for the Landfill, but also found that the traffic impacts from the Landfill's operation had not been mitigated to acceptable levels. Moreover, the Commission found that the Landfill created significant negative impacts to the community because it lacked a specific closure date and a specific maximum tonnage capacity. Without these restrictions, the Commission found that the Landfill's estimated 90 million ton capacity could be exceeded due to waste compaction rates. This could result in an extended life for the Landfill.
37. Based on these findings, the Commission found that the Replacement CUP failed to serve the community's needs and was inconsistent with the Los Angeles County General Plan, specifically, the provision in the General Plan that states: "The criteria to be applied by the Regional Planning Commission in considering an application [for a waste facility] include the regional and local need for the specific waste facility as well as the potential impacts the use will have on the community. Regional need should not outweigh the impact on the community and potential hazards should be given greater consideration than the regional need."
38. The applicant appealed the Commission decision to the Board pursuant to Section 22.60.200, et seq., of the County Code. Notice of the Board's public hearing was provided pursuant to Section 22.60.240(B) of the County Code. On June 7, 2006, the Board held a public hearing on the appeal pursuant to Section 22.60.240(D) of the County Code.

39. Substantial written and oral testimony were provided to the Board both in favor of and against the Commission action. The written and oral testimony were substantially similar to the testimony provided to the Commission at its extensive public hearing.
40. At the Board hearing, Department staff testified that at the time the Original CUP was approved in 1993, the Board indicated an intent to maximize and conserve landfill capacity at the site because of concerns of an impending landfill shortage in the County. Department staff also noted that the Original CUP contemplated an eventual joint City/County landfill that generally would be consistent with the contour design shown in the 1993 FEIR. This contour design provided a landfill capacity of 215 million tons crossing the City/County boundary. Further, Department staff noted that the Original CUP allowed the applicant to automatically use the bridge area after obtaining certain approvals from the City.
41. Like at the Commission, the applicant testified to the Board that the Replacement CUP would provide a single, more efficient Landfill, as compared to having two separate landfills in the City and County. The applicant further indicated that it had obtained all necessary City approvals for City operations and that it had begun operating in the City in July 2005. The applicant maintained that the Replacement CUP would provide the County \$65 million in new fees to assist the local community in environmental programs, recycling and alternative technology development, traffic improvements, and other community programs. The applicant stressed that the Replacement CUP would not increase the waste intake at the facility, and would not cause any environmental impacts not previously considered and mitigated in the County FEIR and City SEIR.
42. Several community groups, businesses, business groups, and elected officials testified in support of the Replacement CUP, including the Mayor of Huntington Park, a City of Whittier council member, the Los Angeles Area Chamber of Commerce, the Valley Industry and Commerce Association, and the Central City Association of Los Angeles.
43. Opponents at the Board hearing included a representative of Congressman Brad Sherman, the North Valley Coalition, the Sunshine Canyon Citizens Advisory Committee, the Sierra Club, the Granada Hills North Neighborhood Council, the International Brotherhood of Teamsters, and several environmental advocates. The concerns raised by the opponents were substantially similar to those raised at the Commission. At least one opponent also raised a concern regarding wind-blown trash. According to this opponent, trash commonly blows from the applicant's trucks onto the freeway and nearby roads and therefore the applicant should be required to remove all wind-blown trash within a two-mile radius of the Landfill.
44. After deliberation, the Board closed the public hearing and indicated its intent to uphold the applicant's appeal, overturn the Commission action, and approve the Replacement CUP. The Replacement CUP would be subject to the conditions

proposed by County Staff during the Commission hearing, subject to revised conditions requested by the Board, discussed in paragraph 47, below.

45. The Board found that there is a need for landfill capacity in the region and that the Landfill is adequately served by existing highways, streets, and public and private utilities to service the Landfill operations and to carry the type and volume of traffic the Landfill will generate. The Board also found that the Addendum was prepared in compliance with CEQA and that the Addendum, in conjunction with the 1993 County FEIR and 1999 City SEIR, adequately addresses the environmental impacts of the Replacement CUP, as set forth in more detail in the Addendum's Findings of Fact and Statement of Overriding Considerations ("CEQA Findings"), dated November 2006, which CEQA Findings are incorporated herein by this reference.
46. The Board made the following additional findings: (1) the Landfill is adequate in size and shape to integrate its use with the surrounding land uses; (2) the combined City/County landfill is consistent with the County General Plan in that its location is in an area designated for a solid waste facility; (3) the Landfill's traffic impacts are located primarily in the City and have previously been found to be adequately mitigated; and (4) the Addendum, in conjunction with the FEIR and SEIR, is the appropriate environmental document for CEQA purposes.
47. The Board action amended the conditions previously proposed by County Staff and ordered County Staff to incorporate the amended conditions into the final conditions of approval. The amended conditions required the following additional restrictions to the permit:
  - A. Landfill Closure. If the joint City/County Landfill becomes operational and the applicant has not otherwise exhausted its available landfill capacity, within six months of the 25th anniversary of this grant, the Board will authorize a study to determine the Landfill's remaining capacity. Based on the study, the Board will establish a date certain for the closure of the Landfill, but in no event shall that date exceed 30 years from the approval date of the Replacement CUP;
  - B. Alternative-Fuel Trucks. The applicant shall be required to adopt an alternative-fuel truck program for the Landfill consistent with the City's alternative-fuel truck requirement;
  - C. Liners. The applicant shall be required to use a liner of equal or better effectiveness to the one required by the Regional Water Quality Board on the City side of the Landfill;
  - D. Waste Overages. The number of daily capacity overages at the Landfill shall be restricted to 313 days per year, excluding overages due to a declared disaster or national emergency; and

- E. Wind-blown Trash Removal. The Director of the Department shall review whether the applicant should be required to remove all wind-blown trash within a 1.5 mile radius of the site, and make a recommendation in that regard; and
- F. Strictest Condition Requirement. If a discrepancy arises between a City condition and a County condition regarding Landfill operations, the applicant shall be required to incorporate into the County permit the condition that results in the greater protection to the surrounding community;

- 48. The final conditions attached to these findings include the new restrictions based on the Board amendment. Moreover, as directed under paragraph 47(F) above, on or about December 18, 2006, the Department submitted a memorandum to the Board indicating that trash removal within a 1.5 mile radius of the site was a reasonable requirement. Accordingly, this requirement has been included in the attached final conditions.
- 49. The documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter are located at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES THAT:**

- 1. The Replacement CUP is consistent with the County General Plan;
- 2. The requested use at the proposed location will not adversely affect the health, peace, comfort, and welfare of persons residing and working in the surrounding area, will not be materially detrimental to the use, enjoyment, and valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare of the citizens of the County;
- 3. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- 4. The proposed site is adequately served: (1) by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and (2) by other public or private service facilities as are required.

**THEREFORE, THE BOARD OF SUPERVISORS:**

1. Indicates that is has read and considered the FEIR, SEIR, and Addendum prepared for the project; certifies that the Addendum has been completed in compliance with the California Environmental Quality Act, and the State and County Guidelines related thereto; and reflects the independent judgment of the Board; and
2. Approves Conditional Use Permit 00-194-(5) subject to in the attached conditions.

**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT NUMBER 00-194-(5)**

1. Definitions: Unless otherwise apparent from the context, the following definitions shall apply to these Conditions of Approval ("Conditions"), and to the attached Implementation and Monitoring Program ("IMP"), adopted concurrently with this grant:
  - A. "Ancillary Facilities" shall mean the facilities authorized by this grant that are directly related to the operation and maintenance of the Landfill, and shall not include the facilities related to any other enterprise operated by the Permittee or any other person or entity.
  - B. "Approval Date" shall mean the date of the Board's approval of this grant.
  - C. "Board" shall mean the Los Angeles County Board of Supervisors.
  - D. "Beneficial Use Materials" shall mean: (1) Solid Waste that has been source-separated or otherwise processed and put to a beneficial use at the Facility, or separated or otherwise diverted from the waste stream and exported from the Facility, for purposes of recycling, and shall include, but not be limited to, green waste, wood waste, asphalt, concrete, or dirt; or (2) Clean Dirt imported to cover and prepare interim and final fill slopes for planting and for berms, provided that such importation of Clean Dirt has been shown to be necessary and has been authorized by the Department of Public Works.
  - E. "Bridge Area" shall mean the portion of the Landfill within the jurisdiction of the County which, subject to the provisions of this grant, is authorized for landfilling beyond the Limits of Fill depicted on Exhibit "A-1" for the County Project, but not beyond the Limits of Fill depicted on Exhibit "A-2" for the City/County Project.
  - F. "Caltrans" shall mean the State of California Department of Transportation.
  - G. "CAO" shall mean the Los Angeles County Chief Administrative Office.
  - H. "City" shall mean the City of Los Angeles.
  - I. "City Ordinance" shall mean City Ordinance No. 172933.
  - J. "City Project" shall mean the activities of the Landfill and ancillary facilities and activities within the jurisdiction of the City, as approved by the City through the City Ordinance, and limited to the area depicted "Initial Development Area" on Exhibit "E-4C" of said City Ordinance, and as generally referred to in said Ordinance as Phase I.



- K. "City/County Project" shall mean the activities of the combined City/County landfill conducted in either or both the City and County jurisdictions, the ultimate development of which is depicted on Exhibit "A-2" of this grant and on Exhibit "E-4B" of the City Ordinance (the portion of said Exhibit covering the City jurisdiction only), and which is generally referred to in the City Ordinance as Phase II and Phase III. The City/County Project includes the combined City/County landfill, its Ancillary Facilities and activities within the County's jurisdiction as approved by this grant, and the combined City/County landfill, ancillary facilities and activities within the City's jurisdiction as approved by the City Ordinance, including, but not limited to, waste diversion facilities, offices and other employee facilities, a leachate treatment facility, material storage areas, and Closure and Post-Closure Maintenance activities.
- L. "CIWMB" shall mean the California Integrated Waste Management Board.
- M. "Class III (non-hazardous) Landfill" shall mean a disposal facility that accepts Solid Waste for land disposal pursuant to applicable federal and state laws and regulations.
- N. "Clean Dirt" shall mean uncontaminated soil used for coverage of the Landfill face, buttressing the Landfill and the construction of access roads, berms, and other beneficial uses at the Facility.
- O. "Closure" shall mean the process during which the Facility, or portion thereof, is no longer receiving Solid Waste and/or Beneficial Use Materials for disposal or processing and is undergoing all operations necessary to prepare the Facility, or portion thereof, for Post-Closure Maintenance in accordance with an approved plan for Closure or partial final closure. Said plans shall be approved by the TAC, as defined in this grant.
- P. "Closure Date" shall mean "Termination Date," as defined in this grant.
- Q. "Commission" shall mean the Los Angeles County Regional Planning Commission.
- R. "Conversion Technologies" shall mean the various state-of-the-art technologies capable of converting post-recycled or residual Solid Waste into useful products, green fuels, and renewable energy through non-combustion thermal, chemical, or biological processes.
- S. "County" shall mean the County of Los Angeles.
- T. "County Code" shall mean the Los Angeles County Code.

- U. County Local Enforcement Agency ("County LEA") shall mean the entity or entities (currently the Los Angeles County Department of Public Health) designated by the Board pursuant to the provisions of Division 30 of the California Public Resources Code to permit and inspect Solid Waste disposal facilities and to enforce State regulations and permits governing these facilities; provided, however, that should the State assign the function of the LEA to any entity other than a Board-designated entity, the duties and responsibilities of the County LEA assigned through this grant which are above and beyond the LEA's function as assigned by the State shall be performed by DPH-SWMP.
- V. "County Project" shall mean the activities of the Landfill within the area depicted on Exhibit "A-1," and other activities as approved by this grant, which are conducted entirely within the County's jurisdiction. The County Project includes the Landfill and its Ancillary Facilities and activities as described in Condition 2, including, but not limited to, waste diversion facilities, offices and other employee facilities, a leachate treatment facility, Environmental Protection and Control Systems, material storage areas, and Closure and Post-Closure Maintenance activities. The County Project includes activities conducted within the County's jurisdiction prior to the commencement of the City-approved Phase II, as well as activities conducted within the County's jurisdiction in the event that the City's approval of Phase II or Phase III expires or terminates. County Project does not include activities conducted within the County's jurisdiction as part of the City/County Project.
- W. "Department" shall mean the Los Angeles County Department of Regional Planning.
- X. "Department of Parks" shall mean the Los Angeles County Department of Parks and Recreation.
- Y. "Department of Public Works" shall mean the Los Angeles County Department of Public Works.
- Z. "Disposal" shall mean the final disposition of Solid Waste onto land, into the atmosphere, or into the waters of the State of California. Disposal includes the management of Solid Waste through the Landfill process at the Facility.
- AA. "Disposal Area" shall mean the "Landfill" as defined in this grant.
- BB. "DPH-SWMP" shall mean the Los Angeles County Department of Public Health-Solid Waste Management Program.
- CC. "Effective Date" shall mean the date of the Permittee's acceptance of this grant pursuant to Condition No. 3.

- DD. "Electronic Waste" shall mean all discarded consumer or business electronic equipment or devices. Electronic waste includes materials specified in the California Code of Regulations, Title 22, Division 4.5, Chapter 23, Article 1 (commencing with section 66273.3), and any amendments thereto.
- EE. "Environmental Protection and Control Systems" shall mean any surface water and ground water-quality monitoring/control systems, landfill gas monitoring/control systems, landscaping and irrigation systems, drainage and grading facilities, Closure activities, Post-Closure Maintenance activities, foreseeable corrective actions, and other routine operation or maintenance facilities or activities.
- FF. "Exempt Material" shall mean "Beneficial Use Materials," as defined in this grant.
- GG. "Facility" shall mean the entirety of the subject property, including all areas where Landfill and non-Landfill activities occur.
- HH. "Final Cover" shall mean the cover material required for Closure of the Landfill and all Post-Closure Maintenance required by this grant.
- II. "Footprint" shall mean the horizontal boundaries of the Landfill at ground level, as depicted on the attached Exhibit "A-1" for the County Project, and Exhibit "A-2" for the City/County Project.
- JJ. "Garbage" shall mean "Solid Waste," as defined in this grant.
- KK. "Inert Debris" shall mean Solid Waste and/or recyclable materials that are source-separated or separated for recycling, reuse, or resale that do not contain: (1) hazardous waste, as defined in California Code of Regulations, Title 22, section 66261.3; or (2) soluble pollutants at concentrations in excess of state water quality objectives; and (3) do not contain significant quantities of decomposable waste. Inert Debris shall not contain more than one percent (by weight) putrescible wastes. Inert Debris may be commingled with rock and/or soil.
- LL. "Landfill" shall mean the portion of the subject property where Solid Waste is to be permanently placed, compacted, and then buried under daily, interim and Final Cover, all pursuant to applicable requirements of federal, state, and local laws and regulations. No portion of the Landfill shall extend beyond the "Limits of Fill," as defined in this grant, and no allowance for settlement of fill shall be used in determining the final elevations or design contours of the Landfill. "Landfill" does not include adjacent cut slopes, temporary storage areas, final cover, and Ancillary Facilities authorized by this grant.

- MM. "Limits of Fill" shall mean the horizontal boundaries and vertical boundaries (as identified by contours) of the Landfill, as depicted on the attached Exhibit "A-1" for the County Project, and the attached Exhibit "A-2" for the City/County Project.
- NN. "Materials Recovery Facility" shall mean a facility that separates solid waste into recyclable materials and residual waste.
- OO. "Permittee" shall mean the applicant and any other person, corporation, or entity making use of this grant.
- PP. "Post-Closure Maintenance" shall mean the activities undertaken at the Facility after the Closure Date to maintain the integrity of the Environmental Protection and Control Systems and the Landfill containment features, and to monitor compliance with applicable performance standards to protect public health, safety, and the environment. The containment features, whether natural or artificially designed and installed, shall be used to prevent and/or restrict the release of waste constituents onto land, into the atmosphere, and/or into the waters of the State of California, including waste constituents mobilized as a component of leachate or landfill gas.
- QQ. "Post-Closure Maintenance Period" shall mean the period after Closure of the Landfill when the Solid Waste disposed of during the Landfill's operation could still pose a threat to public health, safety, or the environment.
- RR. "Post-Closure Maintenance Plan" shall mean the preliminary, partially final, or final plan or plans, as applicable, approved by the TAC for implementation of all Post-Closure Maintenance at the Facility.
- SS. "Refuse" shall have the same meaning as "Solid Waste," as defined in this grant.
- TT. "Residual Waste" shall mean the waste remaining after removal of recyclable material from the Solid Waste stream.
- UU. "Rubbish" shall have the same meaning as "Solid Waste," as defined in this grant.
- VV. "RWQCB" shall mean the Regional Water Quality Control Board, Los Angeles Region.
- WW. "Site Plan" shall mean the plan depicting all or a portion of the subject property, including any Ancillary Facilities approved by the Director of the Department. "Site Plan" shall include what is referred to in this grant as Exhibit "A-1" or Exhibit "A-2," as applicable.

- XX. "Solid Waste" shall mean all putrescible and non-putrescible solid and semi-solid wastes, such as Garbage, Rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes. "Solid Waste" excludes materials or substances having commercial value which may be salvaged for reuse, recycling, or resale. Solid Waste includes Residual Waste received from any source.
- YY. "SWFP" shall mean a Solid Waste Facilities Permit.
- ZZ. "SCAQMD" shall mean the South Coast Air Quality Management District.
- AAA. "Stockpile Area" shall have the same meaning as "Temporary Storage Area," as defined in this grant.
- BBB. "Stockpile" shall mean temporarily stored materials.
- CCC. "TAC" shall mean the Los Angeles County Technical Advisory Committee established pursuant to Part XII of the IMP.
- DDD. "Temporary Storage Area" shall mean an area of the Landfill where certain materials, approved by the Director of Public Works, may be placed for storage for up to 180 calendar days, unless a longer period is approved by the Director of Public Works, so long as such temporary storage does not constitute Disposal, as defined in this grant. No putrescible materials, except Inert Debris, shall be placed in a Temporary Storage Area for more than seven calendar days.
- EEE. "Termination Date" shall mean the date upon which the Facility shall cease receiving Solid Waste and/or Beneficial Use Materials for disposal or processing.
- FFF. "Trash" shall have the same meaning as "Solid Waste," as defined in this grant.
- GGG. "Working Face" shall mean the working surface of the Landfill upon which Solid Waste is deposited during the Landfill operation prior to the placement of cover material.

Unless otherwise expressly provided in this grant, applicable federal, state, or local definitions shall apply to the terms used in this grant. Also, whenever a definition or other provision of this grant refers to a particular statute, code, regulation, ordinance, or other regulatory enactment, that definition or other provision shall include, for the life of this grant, any amendments made to the pertinent statute, code, regulation, ordinance, or other regulatory enactment.

2. This grant shall supersede Conditional Use Permit ("CUP") 86-312-(5) and shall authorize the continued operation of a Class III (non-hazardous) landfill on the subject property, but shall have no effect on Oak Tree Permit 86-312-(5). This grant shall also authorize the following Ancillary Facilities and activities at the Facility, as shown on the most currently approved Site Plan, subject to the conditions of this grant:
- A. Office and employee facilities directly related to the Landfill, excluding offices or other facilities related to any other enterprise operated by the Permittee or other person or entity employed by the Permittee or acting on its behalf;
  - B. Waste handling and processing operations;
  - C. A caretaker residence or mobile home;
  - D. Leachate collection, treatment, and processing facilities;
  - E. Facilities necessary for the collection, utilization, and distribution of Landfill gases, as required and/or approved by the Department of Public Works, the County LEA, or the SCAQMD;
  - F. Facilities necessary for the maintenance of machinery and equipment used at the Landfill, excluding Refuse collection equipment and vehicles, and equipment or machinery used by the Permittee in other enterprises;
  - G. On-site waste diversion and recycling activities consistent in scale and purpose with the agreement entered into pursuant to Condition No. 25 of this grant;
  - H. Facilities necessary for Environmental Protection and Control Systems, including flare stations, storage tanks, sedimentation basins, and drainage devices; and
  - I. Storage of bins utilized for Landfill activities.

Revised site plans consistent with the intent of this grant and the scope of the supporting environmental documentation may be submitted to the Director of the Department for approval, with copies filed with the Director of Public Works and the County LEA, except as otherwise provided in Condition No. 35. There shall be no revisions to Exhibit "A-1" or Exhibit "A-2," and no Site Plan shall be approved that will change the Limits of Fill.

3. This grant shall not be effective for any purpose until the Permittee, and the owner of the subject property if other than the Permittee, shall file at the office of the Department their affidavit stating that they are aware of, and agree to comply with, all of the conditions of this grant, and have paid all fees and provided all deposits and security required by the conditions of this grant, including Condition

Nos. 11, 15, and 72. Notwithstanding Condition No. 9 of this grant, the filing of such affidavit constitutes a waiver of the Permittee's right to challenge any provision of this grant.

4. The Permittee shall fully perform each action required of the Permittee under the IMP and the Mitigation Monitoring and Reporting Summary attached to the supporting environmental documentation for this project, which actions are incorporated into these conditions by reference.
5. This grant shall expire unless it is used within one year from the date that the Board approves this grant. Prior to the use of this grant, the Permittee shall comply with Part II of the IMP and with Condition Nos. 6 and 26. The Permittee may request a one-year extension to use this grant if compliance with these conditions cannot otherwise be fulfilled. A Hearing Officer may extend such time for a period not to exceed one year, provided an application with the appropriate fee requesting such extension is filed with the Department prior to such expiration date.
6. Prior to the operation of the City/County Project, the Permittee shall obtain from the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force a "Finding of Conformance" determination that the proposed project and its expansions are consistent with the Los Angeles County Countywide Siting Element.
7. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant to the satisfaction of the Director of the Department, and in full compliance with all statutes, ordinances, or other regulations applicable to any development or activity on the subject property. The Permittee shall also comply with all permits, approvals, or findings issued by other government agencies or departments, including, but not limited to, the permits, approvals, or findings issued by:
  - A. The County LEA and the CIWMB;
  - B. The RWQCB;
  - C. The SCAQMD;
  - D. The California Department of Fish and Game;
  - E. The United States Army Corps of Engineers; and
  - F. The California Department of Health Services.
8. Upon the Effective Date, the Permittee shall cease all development and other activities that are not in full compliance with Condition No. 7, and the failure to do so shall be a violation of this grant. The Permittee shall keep all required permits in full force and effect and shall fully comply with all requirements thereof.

Failure of the Permittee to provide any information requested by County staff regarding any such required permit shall constitute a violation of this grant and shall be subject to any and all penalties described in Condition No. 11.

9. It is hereby declared to be the intent of this grant that if any provision of this grant is held or declared to be invalid, the permit shall be void, and the privileges granted hereunder shall lapse.
10. To the extent permitted by law, the County LEA shall have the authority to order the immediate cessation of landfill operations or other activities at the Facility if the County LEA determines that such cessation is necessary for the health, safety, and/or welfare of the County's residents. Such cessation shall continue until such time as the County LEA determines that the conditions leading to the cessation have been eliminated or reduced to such a level that there no longer exists an unacceptable threat to the health, safety, and/or welfare of the County's residents.
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Commission or a Hearing Officer may, after conducting a public hearing in accordance with Section 22.56.1780, et seq., of the County Code, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to public health or safety, or so as to be a nuisance.

In addition to, or in lieu of, the provisions just described, the Permittee shall be subject to a penalty for violating any provision of this grant in an amount determined by the Director of the Department not to exceed \$1,000 per day per violation. For this purpose, the Permittee shall deposit the sum of \$30,000 in an interest-bearing trust fund with the Department prior to the Effective Date to establish a draw-down account. The Permittee shall be sent a written notice of any such violation with the associated penalty, and if the noticed violation has not been remedied within 30 days from the date of the notice to the satisfaction of the Director of the Department, the stated penalty, in the written notice shall be deducted from the draw-down account. If the stated violation is corrected within 30 days from the date of the notice, no amount shall be deducted from the draw-down account. Notwithstanding the previous sentence, if the stated violation is corrected within 30 days from the date of the notice but said violation recurs any time within a six-month period, the stated penalty will be automatically deducted from the draw-down account upon such recurrence and the Permittee will be notified of such deduction. If the deposit is ever depleted by 50 percent of the initial deposit amount (\$15,000), the Permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit (\$30,000) within 10 business days of notification of the depletion. There shall be no limit to the number of supplemental deposits that may be required during the life of this grant.



If the Permittee is dissatisfied with any notice of violation as described in the preceding paragraph, the Permittee may appeal the notice of violation to a Hearing Officer pursuant to Section 22.60.390(C)(1) of the County Code within 15 days of receipt by the Permittee of the notice of violation. The Hearing Officer shall consider such appeal and shall take one of the following actions regarding the appeal:

- A. Affirm the notice of violation;
- B. Refer the matter back to the Director for further review with or without instructions; or
- C. Set the matter for public hearing before the Hearing Officer pursuant to Section 22.60.170, et seq., of the County Code, where applicable.

The decision of the Hearing Officer on the appeal under (A) (where no public hearing is held) and (C) (after the public hearing is held) shall be final and shall not be subject to further administrative appeal. If the Hearing Officer refers the matter back to the Director under (B), once the Director reconsiders the matter and renders a new decision, the appellate process described in the preceding paragraph shall apply to the new decision.

- 12. Nothing in these conditions shall be construed to require the Permittee to engage in any act that is in violation of any state or federal statute or regulation.
- 13. The Permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, annul, or seek damages or compensation in connection with this permit approval and/or the conditions of this permit approval, which action is brought within the applicable time period of section 65009 of the Government Code or other applicable limitation period. The County shall notify the Permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense.
- 14. The Permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding for damages resulting from water, air or soil contamination, health impacts or loss of property value during the operation, Closure and Post-Closure Maintenance of the County Project or the City/County Project, as the case may be.
- 15. Prior to the Effective Date, and thereafter on an annual basis, the Permittee shall provide evidence of insurance coverage to the Department of Public Works that meets County requirements as required and approved by the CAO and that satisfies all the requirements set forth in this Condition No. 15. Such coverage shall be maintained throughout the term of this grant and until such time as all Post-Closure Maintenance requirements are met by the Permittee and certified by the appropriate local, state and federal agencies. Such insurance coverage

shall include, but not be limited to, the following: general liability, automobile liability and pollution liability, clean-up cost insurance coverage, and an endorsement for "Sudden and Accidental" contamination or pollution. Such coverage shall be in an amount sufficient to meet all applicable state and federal requirements, with no special limitations.

16. In order to ensure that there will be sufficient funds at Closure to provide for the continued payment of insurance premiums for the period described in Condition Nos. 15 and 32 of this grant, within 60 months prior to the anticipated Closure Date, and annually thereafter, the Permittee shall provide financial assurance satisfactory to the CAO and the Department of Public Works showing its ability to maintain all insurance coverage and indemnification requirements of Condition Nos. 13, 14, and 15 of this grant. Such financial assurance shall be in the form of a trust fund or other financial instrument acceptable to the County.

#### **TERMINATION REQUIREMENTS**

17. The Facility shall be subject to the following termination requirements:
  - A. In the event the City/County Project becomes operational, this grant shall terminate either on the date that the Landfill reaches its Limits of Fill for the City/County Project, or 30 years from the Approval Date, whichever occurs first. At least six (6) months prior to the 25th anniversary of the Approval Date, if the Permittee has not exhausted the available Landfill capacity within the Limits of Fill depicted on Exhibit "A-2," the Permittee shall conduct a study to determine the remaining capacity of the Landfill. The study shall be submitted to the TAC for its independent review and upon its review, the TAC shall report to the Board its finding regarding the remaining capacity of the Landfill as authorized by this grant. Upon consideration of the TAC's finding, the Board shall establish a certain Termination Date for the Landfill, but in no event shall the Termination Date be a date that is later than 30 years after the Approval Date;
  - B. In the event the City/County Project does not become operational, the Termination date of this grant shall be the date that the Landfill reaches the Limits of Fill for the County Project, as that date is set forth in the Closure and Post-Closure Maintenance Plans in effect at that time.
  - C. Upon the Termination Date, either when operating as a County Project or as a City/County Project, as the case may be, the Facility shall no longer receive Solid Waste and/or Beneficial Use Materials for disposal or processing; however, the Permittee shall be authorized to continue operation of any and all facilities of the Landfill as are necessary to complete: (1) the mitigation measures required by this grant; (2) the Closure and Post-Closure Maintenance required by federal, state, and local agencies; and (3) all monitoring and maintenance of the

Environmental Protection and Control Systems required by Condition No. 32. No later than six months after the Termination Date, all Landfill facilities not required for the just-mentioned functions shall be removed from the subject property unless they are allowed as a matter of right by the zoning regulations then in effect;

- D. In the event the Permittee enters into a joint powers agreement ("JPA") or similar agreement for the operation of the City/County Project, as required by the City under Condition No. A.9 of the City Ordinance, the Permittee shall agree, at a minimum, to incorporate the Termination Date provisions in subsection A of this Condition 17 into the JPA or similar agreement; and
- E. Upon completion of the Post-Closure Maintenance Period, the Permittee shall contact the Department of Parks and the Santa Monica Mountains Conservancy to determine if either agency would be interested in accepting the Landfill for parkland purposes.

#### **USE OF COMBINED SITE AND BRIDGE AREA**

- 18. The purpose of this Condition No. 18 is to establish a framework to: (1) provide for landfill capacity in both the City and the County portions of the Landfill, insofar as that capacity is environmentally and economically appropriate and technically feasible; (2) make the landfill capacity available on an equitable basis to incorporated and unincorporated jurisdictions in the County; and (3) conserve, and if possible, prevent, destruction of oak trees and other significant ecological resources within the unincorporated County. The County believes that this purpose may be accomplished by requiring the Permittee to diligently pursue its entitlements from the City to allow substantial fill on the City side of the Landfill and, to the extent good engineering practice would allow, by encouraging the Permittee to maximize landfill operations on the City side of the Landfill.

The County acknowledges that the Permittee has obtained a SWFP from the City and all other permits and approvals necessary to operate the City Project. During the first five years of the City Project, landfill operations within the City are limited to the geographical area identified as Phase I of the City Project, as specified in Condition No. B.2.d of the City Ordinance ("Phase I").

Accordingly, pursuant to this grant, the Permittee shall diligently pursue a SWFP and all other permits and approvals necessary to develop and operate the City/County Project. If the approval of the City Project is invalidated by a court or is modified by the City to allow for a fill area that does not overlay the project area shown on Exhibit "A-2," or if a SWFP or other necessary approval for Phase II of the City Landfill, as specified in Condition No. B.2.d of the City Ordinance ("Phase II"), is denied, no portion of the County Project may thereafter extend beyond the Limits of Fill as shown on Exhibit "A-1" or the portions of the "Bridge Area" that may have been authorized by the County during the City Project. On

the date that any of these events occur, the Termination Date provisions in Condition Nos. 17(B) and 17(C) shall apply.

During the term of this grant, fill sequencing plans for landfill operations within the County's jurisdiction shall be first approved by the Director of Public Works to ensure consistency with the purpose of this Condition No. 18.

Prior to commencement of the operation of the City/County Project, no portion of the Landfill may extend beyond the Limits of Fill as shown on Exhibit "A-1," except that during the City Project, the Landfill may extend into the Bridge Area subject to the following limitations: (1) the Permittee shall not accept waste into the Bridge Area until a fill sequencing plan is approved by the Director of Public Works; (2) at least 50 percent of the cumulative total waste accepted by both the City Project and County Project measured on an annual basis shall be deposited on the City side; (3) the horizontal extension of the Bridge Area shall be restricted to an area not to exceed 20 acres; and (4) the Permittee has shown to the satisfaction of the Director of Public Works that (1) through (3) in this subsection have been met, and that landfill operations in the Bridge Area are necessary for the efficient operation of the eventual City/County Project.

Upon commencement of the operation of the City/County Project, the Limits of Fill shown on Exhibit "A-2" shall constitute the boundaries of the Landfill.

19. Pending the establishment of a JPA or similar agreement, as described in Condition No. 17(D), the Permittee shall not seek approval for any additional expansion in the County.

If the City denies the Permittee's request to complete any of the phasing designs specified in the City approval granted in the City Ordinance Condition No. B.2.d, the Permittee shall thereafter exclude all Solid Waste collected within the corporate limits of the City and transported in trucks under contract with the City from any portion of the Landfill within County territory. This exclusion shall continue in full force and effect until the County terminates the exclusion.

The Permittee shall notify the County at least 60 days prior to the adoption of any amendment to the City Ordinance or other agreement or instrument between the Permittee and the City that may impact the disposal capacity of the County Project or the City/County Project, or any condition of this grant. Copies of such amendment, agreement, or instrument shall be provided to the Los Angeles County Counsel, the Directors of the Department and the Department of Public Works, and to the County LEA.

20. The Permittee shall submit to all interested County departments and agencies, including County Counsel, the Department of Public Works, the Department, and the County LEA, copies of all agreements entered into between or among the Permittee, the City, and/or the County, including, but not limited to, any

memorandum of understanding ("MOU"), development agreement, JPA, or other instrument that:

- A. Establishes a joint powers authority or other entity or arrangement that requires collaboration between the parties on the permitting, operation, inspection, and enforcement of the City/County Project. The County LEA proposes to be designated as the lead agency in any JPA or similar agreement for the City/County Project for all SWFP activities and the single point of contact for coordinating all permitting, inspections and enforcement activities at the Facility. The actual responsibility for these functions shall be as set forth in the JPA or similar agreement;
- B. Establishes the City's and County's respective rights to use the Facility and/or establishes the allocation of Landfill capacity or disposal fees between the City and County;
- C. Establishes franchise fees, Landfill gas revenues, or other fees payable to the City, or bond and/or security arrangements with the City;
- D. Establishes an environmental education or community amenities program;
- E. Amends the City's approval of the Facility in connection with either the City Project or the City/County Project; or
- F. Amends the City's Mitigation Reporting and Monitoring Program for the Facility.

In addition to any other penalty provided by this grant or by law, the failure of the Permittee to comply with this Condition No. 20 shall result in any and all penalties described in Condition No. 11.

#### **LANDFILL CAPACITY**

21. The maximum tonnage capacity to be received by the Landfill shall be as follows:

- A. The City/County Project:

##### Weekly Tonnage Capacity

- I. Subject to the daily tonnage limit set forth in subsection II below, when operating as a City/County Project, the amount of Solid Waste that may be disposed of in the Landfill shall not exceed 66,000 tons per week, and the amount of Inert Debris and Beneficial Use Materials deposited shall not exceed 6,600 tons per week, for an overall total of all materials of 72,600 tons.

#### Daily Tonnage Capacity

- II. When operating as a City/County Project, the daily tonnage capacity of all materials received by the Landfill collectively in both jurisdictions, as described in subsection I above, shall not exceed 12,100 tons on any given day, six working days per week (based on the permitted maximum intake rate of 5,500 tons per day in the City and the permitted maximum intake rate of 6,600 tons per day in the County). The Permittee may allocate that total between the jurisdictions as it deems appropriate.

#### B. The County Project:

##### Weekly Tonnage Capacity

- I. Subject to the daily tonnage limit set forth in subsection II below, when operating as a County Project, the amount of Solid Waste that may be deposited in the Landfill for disposal shall not exceed 36,000 tons per week, and the amount of Inert Debris and Beneficial Use Materials deposited shall not exceed 3,600 tons per week, for an overall total of 39,600 tons per week.

##### Daily Tonnage Capacity

- II. When operating as a County Project, the daily tonnage capacity of all materials received by the Landfill, as described in subsection I above on the County side, shall not exceed 7,200 tons per day; provided, however, that the amount of Solid Waste disposed of in the Landfill on the County side shall not exceed 6,600 tons per day.
- C. The Board may increase the maximum amounts of daily and weekly tonnage allowed by this Condition No. 21 if, upon the joint recommendation of the County LEA and the Department of Public Works, the Board determines that an increase is necessary to appropriately manage the overall County waste stream for the protection of public health and safety, or if there has been a declared disaster or national emergency. Notwithstanding the preceding sentence, there shall not be allowed more than 313 total days during the life of this grant where the maximum tonnage amount exceeds the limits set forth in subsections (A) or (B) of this Condition No. 21, where applicable, excluding any days where the tonnage capacity was exceeded due to a declared disaster or national emergency.
22. Within 90 days of the Effective Date, or a longer period if approved by the Director of Public Works, the Permittee shall adopt appropriate measures to ensure that the method to determine the amount of tonnage disposal on the County side of the Landfill is accurate. These measures shall include, but not be

limited to: 1) requiring all solid waste haulers and other customers of the Permittee to submit accurate waste origin data; 2) implementing a system to verify the accuracy of the data submitted; 3) implementing a system to verify that Solid Waste reported as having originated in County unincorporated area actually has such origination; (4) adopting education and outreach programs for solid waste haulers and other customers of the Permittee regarding the need for accurate waste origin data; and 5) imposing penalties on solid waste haulers and other customers of the Permittee for non-cooperation with these measures, or for repeatedly providing false information regarding waste origin data to the Permittee. The waste origin verification and reporting program developed by the Permittee shall be approved by the Director of Public Works, and the Permittee shall submit the data from this program on a semi-monthly basis to the Department of Public Works for review. Based on the initial results from this program, the Director of Public Works may require the Permittee to modify the program or to develop or implement additional monitoring or enforcement programs to ensure that the intent of this Condition No. 22 is satisfied.

23. The Permittee shall operate the Facility in a manner that maximizes the amount of Solid Waste that can be disposed of in the Landfill, by, at a minimum:
- A. Implementing waste compaction methods to equal or exceed the compaction rates of comparable landfills in Los Angeles County as determined by the Department of Public Works;
  - B. Investigating the methods of diverting or reducing intake of high volume, low-density materials which are incapable of being readily compacted, to the extent determined appropriate by the Department of Public Works;
  - C. Investigating methods to reduce the volume of daily cover required at the Landfill as allowed by the appropriate regulatory agencies;
  - D. Utilizing waste materials received and processed at the Facility, such as shredded green waste, as an alternative to daily, intermediate, and final cover, to the extent such usage is deemed technically feasible and proper by the appropriate regulatory agencies. Notwithstanding the preceding sentence, automobile shredder waste, contaminated soil, cement kiln dust, dredge spoils, foundry sands, processed exploration waste, production waste, construction and demolition waste, shredded tires, and foam shall not be used as daily, intermediate, or final cover at the Landfill;
  - E. Recycling or otherwise diverting all Clean Dirt from disposal materials received at the Facility from off-site sources. No Clean Dirt from any source shall be disposed of at the Landfill without the prior approval from the Department of Public Works; and
  - F. Utilizing on-site Clean Dirt, whenever possible, instead of imported dirt, for daily, intermediate or final cover.

24. Notwithstanding any other provision of this grant, the Permittee shall not negligently or intentionally deposit Solid Waste into the Landfill which is required to be diverted or recycled under the City's and County's Source Reduction and Recycling Elements of the Countywide Integrated Waste Management Plan, adopted pursuant to Division 30 of the California Public Resources Code, and/or the Waste Plan Conformance Agreement, approved by the Board on June 26, 1996, between the County and Permittee pursuant to CUP 86-312-(5), as these documents and agreements may be amended.
25. Within 90 days of the Effective Date, and thereafter as is necessary, the Waste Plan Conformance Agreement referred to in Condition No. 24 shall be amended to be consistent with applicable City and County waste management plans. The Director of Public Works shall be authorized to execute all amendments to the Waste Plan Conformance Agreement on behalf of the County. The Agreement shall continue to provide for: (1) the control of and accounting for the Solid Waste entering into and, for recycled or diverted material, leaving the Landfill; (2) the implementation and enforcement of programs intended to maximize the utilization of available fill capacity as set forth in Condition No. 23; and (3) the implementation of waste diversion and recycling programs on- and off-site in accordance with applicable City and County waste management plans.
26. Prior to using this grant, the Permittee shall submit for review and approval by the Department of Public Works a plan which establishes a program to prevent unnecessary truck trips and illegal waste disposal at the Landfill. The program shall include, but not be limited to, the following elements:
  - A. A plan to schedule regular Landfill users, such as commercial and municipal haulers, to avoid having these users arrive at the Facility and be diverted to other landfills; and
  - B. A plan to reserve Landfill capacity for small commercial and private users.
27. The Permittee shall charge its customers higher tipping fees for delivering partial truck loads to the Facility, and for delivering trucks to the Facility during peak commuting hours. Notwithstanding the preceding sentence, in lieu of charging higher tipping fees, the Permittee may implement some other program, as approved by the Department of Public Works, to discourage this type of activity by its customers.
28. The following types of waste shall constitute prohibited waste and shall not be received nor disposed of at the Facility: incinerator ash; sludge; radioactive material; hazardous waste, as defined in Title 22, section 66261.3 of the California Code of Regulations; medical waste, as defined in section 117690 of the California Health & Safety Code; liquid waste, as defined in Title 27, section 20164 of the California Code of Regulations; waste that contains soluble pollutants in concentrations that exceed applicable water quality objectives; and waste which can cause degradation of waters in the State, as determined by the



RWQCB. The Permittee shall implement a comprehensive Waste Load Checking Program, approved by DPH-SWMP (the County LEA as of the Effective Date), to preclude disposal of prohibited waste at the Landfill. The program shall comply with this Condition No. 28, Part IV of the IMP, and any other requirements of the County LEA, the State Department of Health Services, the State Department of Toxic Substances Control, and the RWQCB.

The DPH-SWMP shall maintain at least one full-time inspector at the County Project at all times when waste is received and processed, and shall carry out all inspection duties set forth in the SWFP. In the event that the City/County Project becomes operational, the inspector shall continue such duties under any ultimate City/County LEA agreement that is entered into for the City/County Project. The Permittee shall compensate the DPH-SWMP for any personnel, transportation, equipment, and facility costs incurred in administering the provisions of this Condition No. 28 that are not covered by the fees paid for administration of the SWFP for the Landfill.

Notices regarding the disposal restrictions of prohibited waste at the Landfill and the procedures for dealing with prohibited waste shall be provided to waste haulers on a routine basis. These notices shall be printed in English and Spanish and shall be posted at prominent locations at the Facility and shall inform waste haulers that anyone intentionally or negligently bringing prohibited waste to the Landfill shall be prosecuted to the fullest extent allowed by law.

In the event that material suspected or known to be prohibited waste is discovered at the Facility, the Permittee shall:

- A. Detain the driver and obtain his/her driver's license and vehicle license number if the vehicle that delivered the waste is still on-site;
- B. Immediately notify all appropriate state and County agencies, as required by federal, state, and local law, and implementing regulations;
- C. If possession of the material is not immediately removed by a public official, store the material at an appropriate site designated by the State Department of Health Services and the RWQCB until it is disposed of in accordance with applicable state regulations;
- D. Maintain a manifest of the prohibited waste to be part of the Permittee's annual report required under the IMP, and to include, at a minimum, the following information:
  - I. A description, nature, and quantity of the prohibited waste;
  - II. The name and address of the source of the prohibited waste, if known;

- III. The quantity of total prohibited waste involved;
- IV. The specific handling procedures used; and
- V. A certification of the authenticity of the information provided.

Nothing in this Condition No. 28 shall be construed to permit the Permittee to operate the Facility in any way so as to constitute a Hazardous Waste Disposal Facility, as defined under state law.

### **OPERATING HOURS**

29. The Facility shall be subject to the following operating hours:

The Facility may receive Solid Waste and Beneficial Use Materials only between the hours of 6:00 a.m. (scales open) to 6:00 p.m., Monday through Friday, and 7:00 a.m. to 2:00 p.m. on Saturday, except that Saturday hours may be extended until 6:00 p.m. if necessary to accommodate post-holiday disposal requirements, where there was limited or no trash pick-up on the holiday. The Landfill entrance gate at San Fernando Road may open at 5:00 a.m., Monday through Friday, and 6:00 a.m. on Saturday, except that the entrance gate may open earlier if necessary to allow on-site queuing of vehicles to accommodate post-holiday disposal requirements, where there was limited or no trash pick-up on the holiday. Notwithstanding the forgoing, Solid Waste and Beneficial Use Materials may be received at other times than those just described, except on Sundays, if the County LEA determines that extended hours are necessary for the preservation of public health and safety;

The Facility shall be closed on Sunday;

Facility operations, such as site preparation and maintenance activities, waste processing and the application of cover, may be conducted only between the hours of 6:00 a.m. and 9:00 p.m., Monday through Saturday. This operating restriction shall not apply to Facility activities that require continuous operation, such as gas control;

Equipment maintenance activities at the Landfill may be conducted only between the hours of 4:00 a.m. and 9:00 p.m., Monday through Saturday.

No diesel vehicle shall be started at the Facility before 5:00 a.m.; and

Notwithstanding anything to the contrary in this Condition No. 29, emergency operations, mitigation measures necessary to avoid negative environmental impacts, and equipment repairs, which cannot be accomplished within the hours set forth in this Condition, may occur at any time if approved by the County LEA.

30. The Permittee shall at all times, Monday through Saturday, maintain adequate on-site staff, with appropriate training and experience for the operation of the Facility. The staff's qualifications and level of experience shall be subject to approval of the County LEA, which may, in its discretion, establish minimum training requirements for designated positions at the Facility. All on-site staff shall be familiar with the conditions of this grant.
31. The Permittee shall post a sign at the entrance gate to the Landfill on San Fernando Road providing the following information:
  - A. The telephone number to contact the Permittee on a 24-hour basis to register complaints regarding the Facility's operations. Said telephone number shall be published in the local telephone directory;
  - B. The telephone number of the County LEA and the hours that the County LEA office is staffed; and
  - C. The telephone number of SCAQMD's enforcement offices and the hours that the SCAQMD offices are staffed.
32. The Permittee shall monitor and maintain the Facility's Environmental Protection and Control Systems in perpetuity, or until such time as the Director of Public Works determines that the routine maintenance and foreseeable corrective action that may be necessary during and after the Post-Closure Maintenance Period has been fully satisfied, and the Solid Waste disposed of in the Landfill no longer constitutes a threat to public health and safety, or to the environment.
33. To ensure that the Permittee has sufficient funds for the Landfill's Closure and/or the Post-Closure Maintenance, within 60 months prior to the anticipated Closure Date, and annually thereafter, the Permittee shall provide financial assurance satisfactory to the CAO and the Director of Public Works that it is financially able to carry out these functions. Such financial assurance shall be in the form of a trust fund or other financial instrument acceptable to the CAO and the Director of Public Works.
34. The County reserves the right to exercise its police power to protect the public health, safety, and general welfare of County residents by managing the County-wide waste stream, including regulating tipping fees and similar Facility rates, fees, or charges.
35. Except as otherwise provided in this Condition No. 35, areas outside of the Limits of Fill shall not be graded or similarly disturbed to create additional Landfill area, except that additional grading may be approved by the Director of Public Works if the Director determines, based on engineering studies provided by the Permittee and independently evaluated by the Director, that such additional grading or disturbance is necessary for slope stability or drainage purposes. Such a

determination by the Director shall be documented in accordance with Part I of the IMP, and the Permittee shall submit a revised site plan for review and approval by the Director of Public Works to show the additional grading and/or disturbance. A copy of the approved revised site plan shall be filed with the Director of the Department and the County LEA. Revisions to Exhibit "A-1" or Exhibit "A-2" shall not be authorized, and no site plan revision shall be approved, that in any way modifies the Limits of Fill.

For purposes of this Condition No. 35, prior to approving any excavation of more than five acres containing significant stands of oak and/or Douglas fir trees, the Director of Public Works shall confer with the Los Angeles County Forester and Fire Warden.

Nothing in this Condition No. 35 shall be construed as prohibiting the installation of water tanks, access roads, flares, or other similar facilities at the Facility, or implementing any mitigation program, required by this grant or by any other permit issued by a public agency in connection with the Landfill.

36. Notwithstanding anything to the contrary in this grant, no approval shall be granted to the Permittee that will modify the authorized Limits of Fill or that will lower or significantly modify any of the ridgelines surrounding the Landfill.
37. The Permittee shall comply with all grading requirements of the Department of Public Works and the County Code. In addition, the Permittee shall obtain prior approval from the Department of Public Works for all grading within the County's jurisdiction that is outside the Landfill footprint and all grading within the Landfill footprint that could impact off-site property, including, but not limited to, grading in connection with cell development, stockpiling, or excavation for borrow and cover materials.
38. The Permittee shall install appropriate drainage structures at the Facility to comply with all drainage requirements of the Department of Public Works, the RWQCB, and any other appropriate regulatory agency. Except as otherwise specifically provided by the Department of Public Works, all drainage structures, including sedimentation basins, shall be designed and constructed to meet all applicable drainage and grading requirements of the Department of Public Works, and all design and construction plans for these structures must have prior approval from the Department of Public Works. In all cases, the Landfill and its drainage structures shall be designed so as to cause surface water to be diverted away from disposal areas. All design modifications must have the prior approval from the Department of Public Works.
39. The Permittee shall install and maintain containment (liner) systems and leachate collection and removal systems as required by the RWQCB. The design of landfill liners in the County portion of the Landfill shall be as approved by the RWQCB and shall be of equal or better effectiveness to the design of landfill liners approved by the RWQCB for the City side of the Landfill.

40. The Permittee shall install and test any and all groundwater monitoring wells that are required by the RWQCB and shall promptly undertake any action directed by the RWQCB to prevent or correct potential or actual contamination that may affect groundwater quality, or water conveyance or water storage facilities. For purposes of this Condition No. 40, water storage facilities include the Metropolitan Water District Balboa Inlet Tunnel, the City Aqueduct, and Van Norman Reservoir. Prior to the commencement of the City/County Project, all testing and remedial actions required by the RWQCB to detect, prevent, and/or correct groundwater contamination shall be completed or guaranteed to be completed to the satisfaction of the RWQCB with notice to the Department of Public Works.
41. The Permittee shall operate the Facility so as to conserve water by, at a minimum, adopting the following measures:
- A. Ensuring that all water wells used for the Landfill shall draw from the Sunshine Canyon Watershed, if such usage is approved by the appropriate agencies;
  - B. Investigating the feasibility of treating collected leachate on-site for reuse in the Landfill and, if feasible and the appropriate agencies approve, implementing a program to use such water;
  - C. Using soil sealant, pavement, and/or other control measures for dust control wherever possible, in preference to water; and
  - D. Using drought-tolerant plants to re-vegetate the Landfill slopes and other disturbed areas to the extent feasible, as determined by the Director of the Department. Plant types shall blend with species indigenous to the area and shall be capable of rapid growth.
42. The Permittee shall develop and obtain approval from the Department of Public Works for a Standard Urban Storm Water Mitigation Plan for the Landfill's activities, unless the Department of Public Works determines that such plan is unnecessary.
43. The Permittee shall be prohibited from initiating any activity for which an Industrial Waste Disposal Permit and/or Underground Storage Tanks Permit is required at the Facility before the required or revised permit is obtained from the Department of Public Works. The activities covered by this Condition No. 43 include, but are not limited to, the installation, modification, or removal of any underground storage tank and/or industrial waste control facility. For purposes of this Condition No. 43, an industrial waste control facility includes its permanent structures for treating post-development storm water runoff.
44. The Permittee shall comply with the following cover and re-vegetation requirements at the Landfill:

- A. The Permittee shall apply a temporary hydroseed vegetation cover on any slope or other Landfill area that is projected to be inactive for a period greater than 180 days, as set forth in the IMP. The Permittee shall promptly notify the County LEA and the Department of Public Works of any such slope or area;
- B. Prior to disposing of any Solid Waste within 10 feet of the boundary of the Limits of Fill, the Permittee shall submit to the County LEA and the Director of the Department for review and approval an interim reclamation and re-vegetation plan, which plan shall include the timing of the proposed work;
- C. No final cut slopes shall be steeper than 1.5:1 (horizontal to vertical ratio, excluding benches), and all final cut slopes shall be approved by the Department of Public Works in accordance with said Department's grading requirements;
- D. Except as otherwise provided in this Condition No. 44, all final fill slopes shall be reclaimed and re-vegetated in lifts substantially in conformance with Figure 5, "Typical Cross-Section Final Landfill Cover and Re-vegetation Plan," Page 39, Final Environmental Impact Report ("FEIR"), Volume A, Responses to Comments (dated July 13, 1990), which figure is attached as Exhibit "B" to the Responses to Comments, and also as described in the "Sunshine Canyon Landfill Extension Re-vegetation/Closure Plan," FEIR, Volume A, Responses to Comments, Appendix 3, which figure and plan are attached as Exhibit "C";
- E. Notwithstanding the foregoing, the Permittee shall not be bound by the previous provisions of this Condition No. 44, but instead by the requirements of the County LEA, so long as the Limits of Fill are not exceeded, if in consultation with the Department of Public Works, the County LEA determines that a different re-vegetation design or plan: (1) would better protect public health and safety; (2) would enable re-vegetation of the final slopes at least as well as shown in Exhibit "B" described in subsection D, above; and/or (3) would be required because the minimum standards adopted by the CIWMB have been amended.
- F. The Permittee shall employ an expert or experts, including an independent, qualified biologist, to satisfy this Condition No. 44. Soil sampling and laboratory analysis shall be conducted in all areas that are required to be re-vegetated before any re-vegetation occurs to identify chemical or physical soil properties that may adversely affect plant growth or establishment. Soil amendments and fertilizer recommendations shall be applied and plant materials selected, based on the above-referenced testing procedures and results. To the extent possible, plant types shall blend with species indigenous to the area, be drought tolerant, and be

capable of rapid growth. The selected plants shall not include non-indigenous species that are likely to be invasive of adjacent natural areas.

45. The Permittee shall adopt a fugitive dust program that uses the most effective available methods and technology to avert fugitive dust emissions. In addition to the re-vegetation measures in Condition No. 44, the program shall include, at a minimum, a requirement that:
- A. The Permittee shall not engage in any excavation or other Landfill activity during high wind conditions, or when high wind conditions are reasonably expected to occur, where such excavation or operation will result in significant emissions of fugitive dust affecting areas not under the Permittee's control;
  - B. The Working Face areas of the Landfill shall be limited to small contained areas not exceeding: (1) an aggregate of 10 acres when the Facility is operating as the City/County Project; (2) an aggregate of three to five acres when the Facility is operating as the County Project; or (3) a smaller area if it is determined by the County LEA that such a smaller Working Face area will better protect public health and safety. During periods of the year when high wind conditions may be expected, the Working Face areas shall each be located in an area of minimal wind exposure, or be closed, if closure is deemed necessary by the County LEA. Non-Working Face areas shall be confined to sites of less than five acres each;
  - C. Except when there is sufficient rain or moisture to prevent dust, daily cover shall be watered, and when conditions dictate for dust control to retard erosion, soil sealant shall be used in addition to water;
  - D. Except when there is sufficient rain or moisture to prevent dust, all active Working Face and soil Stockpile areas shall be watered daily, unless wind conditions dictate otherwise, whereby soil sealant shall be used in addition to water. To the extent feasible, and as determined appropriate by the Director of Public Works to reduce the transport distance of soil, cover material for one portion of the Facility shall be obtained from soil excavated from an adjacent area;
  - E. If determined necessary by the County LEA, the Permittee shall, on any day preceding a day when the Facility is closed to Solid Waste receipt, apply soil sealant to any previously active Working Face or soil stockpile area that has not already been sealed or re-vegetated;
  - F. Inactive areas of exposed dirt that have been sealed shall be regularly monitored to determine the need for additional sealing and to prevent unauthorized access that might disturb the sealant. If additional sealing treatment is required, the Permittee shall promptly apply such treatment to assure full control of the soil particles;

- G. All primary access roads to any permanent facility and Working Face areas in the Landfill shall be paved;
- H. To minimize the length of dirt roads, paved access roads to fill areas shall be extended as new fill areas are opened. Winter deck access roads shall be paved or surfaced with recycled asphalt, aggregate materials, or soil stabilization products to minimize the quantity of untreated dirt;
- I. All paved roads in regular use shall be regularly cleaned to remove dirt left by trucks or other vehicles;
- J. Except when there is sufficient rain or moisture to prevent dust, all dirt roads in regular use shall be watered at least once daily on operating days and more often if required by the County LEA or the Director of Public Works, or otherwise treated to control dust emissions;
- K. Loads of Solid Waste capable of producing significant dust shall be watered during the landfill process. If such practice is deemed unacceptable to the RWQCB, the Permittee shall develop alternative methods to minimize dust generation during the landfill process and obtain approval of the method from the Director of Public Works within 90 days of the Effective Date.
- L. In addition to any fire flow requirements of the County Forester and Fire Warden, the Permittee shall maintain sufficient water tanks and piping on-site to supply a minimum of at least one full day's maximum water usage by gravity, as determined by the County LEA, to the active Working Face areas for dust control;
- M. The Permittee shall install and maintain devices on-site, as approved by the SCAQMD, to monitor wind speed and direction, and shall retain qualified personnel who can read and interpret data from these devices, can obtain and use information on predicted wind conditions, and can assist in the Facility's operations related to this information; and
- N. The Permittee shall submit a quarterly report to the Director of Public Works identifying: (1) all fugitive dust and odor complaints from local residents that the Permittee has received for that quarter regarding the Landfill; (2) all notices of violation issued by the SCAQMD or the County LEA; and (3) all measures undertaken by the Permittee to address these complaints and/or correct the violations. The Director of Public Works and the DPH-SWMP shall each have the authority to require the Permittee to implement additional corrective measures for complaints of this nature when such measures are deemed necessary to protect public health and safety.



46. The Permittee shall adopt a program that uses the most effective available methods and technology to prevent waste that has entered an area under the Permittee's control from escaping the area in the form of litter. Notwithstanding any other provision of this Condition 46, or of this grant, the Permittee shall cease accepting incoming waste during high wind conditions if, despite the methods and technology used, waste cannot be confined to areas under the Permittee's control.

The Permittee's litter control program shall include the following requirements, unless the County LEA requires otherwise:

- A. Facility personnel shall continuously patrol the access road to the Landfill scales during the Landfill's hours of operation and remove any litter found during the patrol;
  - B. Loads of Solid Waste that are improperly covered or contained and which may create significant litter shall be immediately detained, and if practicable, correctly covered or contained prior to proceeding to the Working Face. If such a remedial measure cannot be taken, the load shall proceed to the Working Face under escort;
  - C. All debris found on or along the entrance to the Landfill and/or Working Face access roads shall be immediately removed; and
  - D. At every active Working Face area, the Permittee shall install a primary portable litter fence eight feet in height, and also a secondary fence four feet in height behind the primary fence when wind conditions dictate the need for a secondary fence. The Permittee shall employ any and all additional measures as necessary to control litter. On windy days, and when the fences are not sufficient, the Working Face shall be located within areas of minimal wind exposure or shall be closed, if so required by the County LEA. The County LEA may require additional measures deemed necessary to effectively control litter.
47. Within 90 days of the Effective Date, the Permittee shall develop best available methods and/or procedures to prevent vehicles from leaving the Facility carrying dirt and/or debris that may be dislodged onto local streets and highways.
48. In addition to the requirements described in Condition Nos. 46 and 47, the Permittee shall develop and maintain a litter control and recovery program to the satisfaction of the Director of Public Works and the County LEA designed to control the discharge and recovery of off-site litter from uncovered or improperly covered or contained loads traveling to the Facility or otherwise emanating from the Landfill, including conducting regular inspections of the surrounding neighborhoods and recreational parks within a 1.5-mile radius of the property boundary of the combined City and County Landfill. Based upon the inspection, the Permittee shall collect and remove all wind-blown trash or litter encountered

in the neighborhoods and recreational parks within that radius. The Permittee shall maintain a log of the inspections, provide the log upon request to the County LEA, and include a copy of the log in the annual report required pursuant to Part X of the IMP.

49. The Permittee shall at all times, 24 hours a day, Monday through Saturday, maintain adequate staff on-site to promptly respond to complaints from the surrounding neighborhood regarding dust, litter, or other operational issues. In addition, the Permittee shall maintain a hotline/emergency log at the Facility which shall record all complaints received regarding Landfill operations, the Permittee's follow-up action to the complaints, and their final resolution.
50. The Permittee shall at all times, 24 hours a day, seven days a week, maintain at least one staff person on-site, with sufficient expertise to assess the need for remedial action regarding complaints or operation-related accidents, and with the requisite authority and means to assemble the necessary resources to take such remedial action. The individual must be able to be reached on a continuous basis through the telephone number posted at the Landfill entry gate.
51. As required by the SCAQMD, the Permittee shall adopt and implement operational practices to mitigate air quality impacts including vehicular air quality impacts at the Landfill.
52. To the extent technically and economically feasible, the Permittee shall use Landfill gas for energy generation at the Facility or other beneficial uses, rather than flaring, and shall obtain all applicable local, state, and/or federal approvals for any such use. Notwithstanding the forgoing, the Permittee shall be exempt from this Condition No. 52 if, as a part of its annual report required by Part X of the IMP, the Permittee determines that any such activity or project is infeasible, which determination shall be subject to the review and approval of the Director of Public Works.

The Permittee shall also install and maintain a landfill gas collection system complying with SCAQMD requirements, which uses best available control technology to control the lateral migration of gases to the satisfaction of the Director of Public Works, County LEA, and SCAQMD.

In addition to the other requirements of this Condition No. 52, Landfill gas flares shall be installed below the adjacent interior ridges of the site, unless otherwise required by the SCAQMD, and the flames shall be totally contained within the stacks. Flame arrestors shall be provided to the satisfaction of the County Forester and Fire Warden.

53. The Permittee shall take all necessary measures to ensure that noise emissions from the Facility at all residential receptors are within the acceptable limits of the Los Angeles County Noise Ordinance, as contained in Chapter 12.08 of the County Code.

54. For fire protection purposes, the Permittee shall maintain on-site fire response capabilities, construct access roads, perform brush clearance, and provide water tanks, water mains, fire hydrants, and fire flows, all to the satisfaction of the County Forester and Fire Warden.
55. All on-site fuel storage tanks shall be installed and necessary containment and air quality controls for the tanks provided, in accordance with the requirements of the County Forester and Fire Warden, the Department of Public Works, the RWCQB, and the SCAQMD.
56. The Permittee shall implement effective vector control measures at the Facility, as directed by the County LEA.
57. Prior to operating the Landfill as a City/County Project, the Permittee shall install the required traffic improvements outlined in the Supplemental Traffic Data Information report dated June 28, 2004 ("Traffic Report") in the supporting environmental documentation for this project and on file at the Department, to the satisfaction of the City Department of Transportation and Caltrans, at the following intersections:
  - A. San Fernando Road at Sierra Highway;
  - B. San Fernando Road at the Facility's entrance;
  - C. San Fernando Road at Balboa Boulevard;
  - D. Roxford Street at the I-5 Southbound On/Off Ramps;
  - E. Roxford Street at the I-5 Northbound Off Ramp; and
  - F. Roxford Street at the I-5 Northbound Off Ramp/Encinitas Avenue.
58. Prior to operating the Landfill as a City/County Project, the Permittee shall pay Caltrans an amount not to exceed \$422,183 for the freeway transportation improvements outlined in the Traffic Report. The cost of any other project-related mitigation within Caltrans' jurisdiction shall be counted towards this financial obligation.
59. Prior to operating the Landfill as a City/County Project, the Permittee shall install traffic signs along San Fernando Road acceptable to the City Department of Transportation to warn of possible heavy truck traffic near the Facility's entrance. In addition, the Permittee shall ensure to the fullest extent possible that the bicycle lane along San Fernando Road is not adversely impacted by the increased truck traffic at or near the Facility.
60. Prior to operating the Landfill as a City/County Project, the Permittee shall install street lights along the Landfill's frontage of San Fernando Road to the satisfaction of the City Bureau of Street Lighting.

61. The Department of Public Works, the County LEA, and the Community Advisory Committee shall monitor the performance of the conditions of this grant designed to minimize truck traffic. In the event such measures are found to be inadequate, such entity or entities shall notify the Director of the Department and describe the inadequacy of the conditions. Based on this notice, the Director of the Department may, pursuant to the modification procedures of the County Code for conditional use permits, recommend to the Commission that this grant be modified to add measures to ensure the adequacy of these traffic-related conditions.
62. The Permittee shall develop and implement a program to identify and conserve all significant archaeological and paleontological materials found on-site pursuant to Part VII of the IMP. If the Permittee finds any evidence of aboriginal habitation or fossils during earthmoving activities, Landfill operations shall immediately cease in that immediate area, and the evidence and area shall be preserved until a qualified archaeologist or paleontologist, as appropriate, makes a determination as to the significance of the evidence. If the determination indicates that the archaeological or paleontological resources are significant, the resources shall be recovered to the extent practicable prior to resuming Landfill operations in that immediate area of the Landfill.
63. The Permittee shall work with the California Department of Fish and Game, the United States Army Corps of Engineers, and the City of Pasadena to monitor the approved and implemented wetlands and riparian habitat restoration project (Lower Arroyo Seco Restoration Project, Corps File Number 94-00124-AOA, California Department of Fish and Game Streambed Alteration Agreement Number 5-445-91), as required by the requirements of that project until the project is accepted by the City of Pasadena.

**PERMITTEE FEES (CONDITIONS 64 THROUGH 72)**

The requirement that the Permittee pay the fees set forth in Condition Nos. 64 through 72, inclusive, shall not begin until the Effective Date. Prior to that date, any and all fees required by CUP 86-312-(5) shall remain in full force and effect. The following fees are cumulative and are in addition to any other fee or payment required by this grant.

64. The Permittee shall pay an annual fee to the County equal to 10 percent of the sum of the following, net any amount the Permittee pays to the County pursuant to Section 4.63, et seq., of the County Code:
  - A. The net tipping fees collected at the Facility for the County Project, or when operating as the City/County Project, the fees allocated to the County pursuant to any revenue allocation agreement between the City and County, as described below in this Condition No. 64. For purposes of this Condition No. 64, "net tipping fee" shall mean the total fees collected, less any fees or taxes imposed by a federal, state, or local agency that is

included in the fee charged by the Permittee at the Facility entrance, except that any franchise fee or enforcement fee imposed by the City shall be included in the amount of the net tipping fee. "Total fees collected" shall be calculated as the total gross receipts collected by the Permittee;

- B. The revenue generated from the sale of Landfill gas at the Facility, less any federal, state, or local fees or taxes included in such revenue, except that any franchise fee or enforcement fee imposed by the City shall be included in such revenue; and
- C. The Revenue generated by any other activity at the Facility, less any federal, state, or local fees or taxes included in such revenue, except that any franchise fee or enforcement fee imposed by the City shall be included in such revenue.

Prior to operating as a City/County Project, the Permittee shall enter into a revenue allocation agreement with the City and County, which shall be approved and executed by all three parties, and which shall, at a minimum, establish the allocation of Landfill disposal fees between the City and County. The Board shall be the party that may execute this agreement on behalf of the County.

- 65. The Permittee shall pay on a monthly basis to the Department of Public Works a fee of 25 cents per ton of Solid Waste disposed of at the County Project, or in the County portion of the City/County Project, as the case may be. This fee shall be used for the implementation and enhancement of waste diversion programs in County unincorporated areas.
- 66. By March 31 of each year, the Permittee shall pay to the Department of Parks an annual fee of 50 cents per ton of Refuse disposed of within the County Project, or within the County portion of the City/County Project, as the case may be. This annual payment shall be deposited into an interest bearing trust fund established to provide for the development of natural habitat and parkland within the County. No monies from this trust fund shall be used for projects or programs that benefit areas outside the communities surrounding the Landfill. The Department of Parks shall administer the trust fund, and all monies in the trust fund, including accrued interest, shall be spent by the Department of Parks in the manner determined and directed by the 5th Supervisorial District.
- 67. By March 31 of each year, the Permittee shall pay to the Department of Public Works an annual fee of 50 cents per ton of Refuse disposed of within the County Project, or within the County portion of the City/County Project, as the case may be. This annual payment shall be deposited by the Director of Public Works into an interest bearing trust fund established to provide funding for transportation improvements in the areas surrounding the Landfill. The Department of Public Works shall administer this trust fund, and all monies in the trust fund, including accrued interest, shall be spent by the Department of Public Works in the manner determined and directed by the Fifth Supervisorial District.

68. By January 10 of each year, the Permittee shall pay to the Director of the Department an annual fee of \$81,000 to be used to finance planning studies, including, but not limited to, studies related to Significant Ecological Areas ("SEA's") in the area surrounding the Landfill, and neighborhood planning studies for surrounding neighborhoods, as determined by the Director of the Department. This annual payment shall be held in an interest-bearing account, and shall be combined with any remaining funds from CUP 86-312 collected for SEA planning studies.
69. Pursuant to Goal 2.4.2 of the Los Angeles County Countywide Siting Element adopted by the Board in 1997, and the Board's policy adopted on July 27, 1999 to promote the development of alternatives to landfill and incineration processes, the Permittee shall contribute \$200,000 annually, not to exceed \$2,000,000 for the life of this grant, to an alternative technology development fund, which fund shall be an interest bearing account established and maintained by the Director of Public Works. This fund shall be used to research, promote, and develop the alternative technologies that are most appropriate for Southern California from an environmental and economic perspective. The determination of appropriate alternative technologies shall be made by the Director of Public Works together with the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force ("Task Force"); the determination regarding use of the fund shall be made by the Director of Public Works after consultation with the Task Force. Within six months after the Effective Date, the Permittee shall deposit its first \$200,000 payment required by this Condition, and thereafter annually by April 1. The Alternative Technology Subcommittee of the Task Force shall include a representative of the Permittee and the North Valley Coalition of Concerned Citizens.
70. For the life of this grant, the Permittee shall make a monthly payment of \$1 per ton of Solid Waste disposed of at the Landfill to an interest-bearing community benefit and environmental education trust fund, created and maintained by the Director of the Department. This fund shall be used to fund environmental, educational, and quality of life programs in the unincorporated surrounding communities, and to fund regional public facilities that serve these communities. All monies in the fund shall be spent by the Director of the Department in the manner determined and directed by the Fifth Supervisorial District.
71. During Phase I of the City Project, the Permittee shall fund five (5) collection events per year to be held by the Director of Public Works for the collection of household hazardous waste and Electronic Waste, including discarded computers. After Phase I is complete, the Permittee shall fund 11 such collection events annually. The cost of each event shall be the lesser of: (1) \$100,000, adjusted annually for any increase in the Consumer Price Index (CPI) for all urban consumers in the Los Angeles, Anaheim, and Riverside areas, as published by the United States Government Bureau of Labor Statistics; or (2) the average cost for such events over the preceding 12 months, as determined by the Director of Public Works. The Permittee shall make semi-annual payments

for these events, on April 1 and October 1 of each year, to the Director of Public Works, which payment shall cover the cost of all collection events for the preceding six month period.

72. The Permittee shall deposit the sum of \$50,000 with the Department to establish a draw-down account, from which actual costs will be billed and deducted for the purpose of defraying the expenses involved in the Department's review and verification of any and all information contained in the required reports of this grant, and any other activity of the Department to ensure that the conditions of this grant are satisfied, including, but not limited to, carrying out the following activities: enforcement, permitting, inspections, coordination of mitigation monitoring, providing administrative support in the oversight and enforcement of these conditions, performing technical studies, and hiring independent consultants for any of these purposes. If the actual costs incurred pursuant to this Condition No. 72 have reached 80 percent of the amount of the initial deposit (\$40,000), and the Permittee has been so notified, the Permittee shall deposit supplemental funds to bring the balance up to the amount of the initial deposit (\$50,000) within 10 business days of such notification. There is no limit to the number of supplemental deposits that may be required during the life of this grant. At the sole discretion of the Permittee, the Permittee may deposit an initial or supplemental amount that exceeds the minimum amounts required by this Condition No. 72.
73. The Permittee shall support legislation and regulations that will promote the development of Conversion Technologies. Such legislation and regulations should, at a minimum:
  - A. Provide economic incentives for the development of Conversion Technologies;
  - B. Remove from the definition of transformation under section 40201 of the California Public Resources Code any technologies and/or processes categorized as Conversion Technologies;
  - C. Provide full diversion credit for waste managed by these Conversion Technologies towards the State's waste reduction mandates; and/or
  - D. Remove any unnecessary regulatory hurdles that impede such development.
74. The approval of this grant in no way supersedes or affects the terms and conditions of Oak Tree Permit No. 86-312-(5), and the Permittee shall continue to comply with all such terms and conditions.
75. The Permittee shall continue working with the waste industry, in concert with cities, the County, and other stakeholders in the industry, to seek amendment of existing laws and regulations to require that compliance with the State's waste

reduction mandates be measured by diversion program implementation as opposed to disposal quantity measurement, and to further require the State-mandated Disposal Reporting System to be used solely to identify waste generation and disposal trends.

76. The Permittee shall implement a vehicle tarping program at the Facility, as approved by the Director of Public Works, to discourage untarped vehicles from using the Facility. All vehicles loaded with Solid Waste or any other material that creates the potential for litter shall, to the greatest extent possible, be tarped when entering and leaving the Facility, and no such vehicle shall be allowed to enter the Facility until the driver has been informed of the tarping requirements and has been asked to have his/her load covered. In addition to any other penalty set forth in this grant, repeat violators of this Condition No. 76 shall be subject to the penalties described in the vehicle tarping program and may be permanently prohibited from using the Facility.
77. The Permittee shall be subject to the following requirements regarding non-diesel, alternative fuel vehicles and equipment:
  - A. Upon the Effective Date, all light-duty vehicles operating at the Facility shall be alternative fuel vehicles, to the extent deemed technologically and economically feasible by the TAC;
  - B. Within the first year after the Effective Date, the Permittee shall purchase, and put into operation, 10 alternative fuel Refuse collection trucks or transfer trucks at the Facility, to the extent deemed technologically and economically feasible by the TAC;
  - C. Within the first year after the Effective Date, the Permittee shall prepare and submit an alternative fuel vehicle report to the TAC for review and approval. The report shall contain information on available alternative fuel technologies and their economic feasibility, as well as other information deemed necessary by the TAC to determine the feasible use of alternative fuels at the Facility;
  - D. Within the first year after the Effective Date, the Permittee shall design and implement at least one heavy-duty, alternative fuel off-road equipment pilot program, to the extent deemed technologically and economically feasible by the TAC;
  - E. Within three years after the TAC determines that non-diesel, alternative fuel vehicles are technologically and economically feasible:
    1. The Permittee shall require all transfer trucks entering the Facility to be non-diesel alternative fuel vehicles; and



2. All transfer trucks and collection trucks owned or leased by the Permittee and used at the Facility shall be non-diesel alternative fuel vehicles;
  - F. Within six years after the TAC determines the appropriate technological and economic feasibility, 75 percent of all of truck trips entering the Landfill, with a Solid Waste capacity of at least nine tons, shall be made by non-diesel alternative fuel vehicles;
  - G. With the assistance of the SCAQMD and the DPH-LEA, the Permittee shall use its best efforts to participate in a clean fuel demonstration program with one or more types of off-road heavy-duty equipment; and
  - H. As part of its annual report to the TAC required by the IMP, the Permittee shall submit an ongoing evaluation of its compliance with each component of this Condition No. 77. The Permittee may appeal the requirements of this Condition No. 77 to the Director of the Department in accordance with the procedure described in Condition No. 11 for the appeal of a notice of violation, but only on the bases of whether a particular alternative fuel is technologically or economically feasible.
78. The Permittee shall not receive any Solid Waste for disposal in the Landfill originating outside of Los Angeles County;
  79. The Permittee shall prepare and distribute to all interested persons and parties, as shown on the interested parties list used by the Department for this matter, and to any other person requesting to be added to the list, a quarterly newsletter providing the Facility's website and its 24-hour emergency telephone numbers, and also providing the following information for the quarter: (1) "What is New" at the Facility; (2) the regulatory and permitting activities at the Facility; (3) the hotline/emergency log for the period; and (4) a summary of any and all progress reports and/or annual reports required by this grant. The newsletter shall be posted on the Facility's website and distributed to at least one local library. In addition, the Permittee shall notify the Community Advisory Committee, as described in Part IX of the IMP, the Granada Hills North Neighborhood Council, and any other interested community group in the immediate vicinity of the Facility, of any operational change at the Facility that was not fully analyzed in the supporting environmental documentation for this project, and the Permittee shall provide such entities or groups an adequate opportunity to comment on and, if necessary, to request hearings and CEQA findings for, these operational changes.
  80. The Permittee shall remove all graffiti in public view on buildings and structures at the Facility within 48 hours of its placement. The Permittee shall also establish and maintain a graffiti deterrent program approved by the DPH-LEA and submitted to the Graffiti Abatement Section of the Department of Public Works.

81. The Permittee shall conduct air quality monitoring at the Facility and its surrounding areas. In addition, an independent air quality consultant selected by the TAC shall conduct at least four random tests per year of Landfill dust and diesel particulates surrounding the perimeter of the Facility to determine whether air quality near the Landfill is consistent with the supporting environmental documentation for the City Project (i.e., the City's Final Supplemental Environmental Impact Report or "FSEIR"). The consultant review shall place added emphasis on the area south of the Landfill above the nearby residential community. The cost of the consultant and the tests shall be borne entirely by the Permittee. The consultant report shall be provided to the Director of the Department, the TAC and the Permittee within 15 calendar days after completion of the tests.

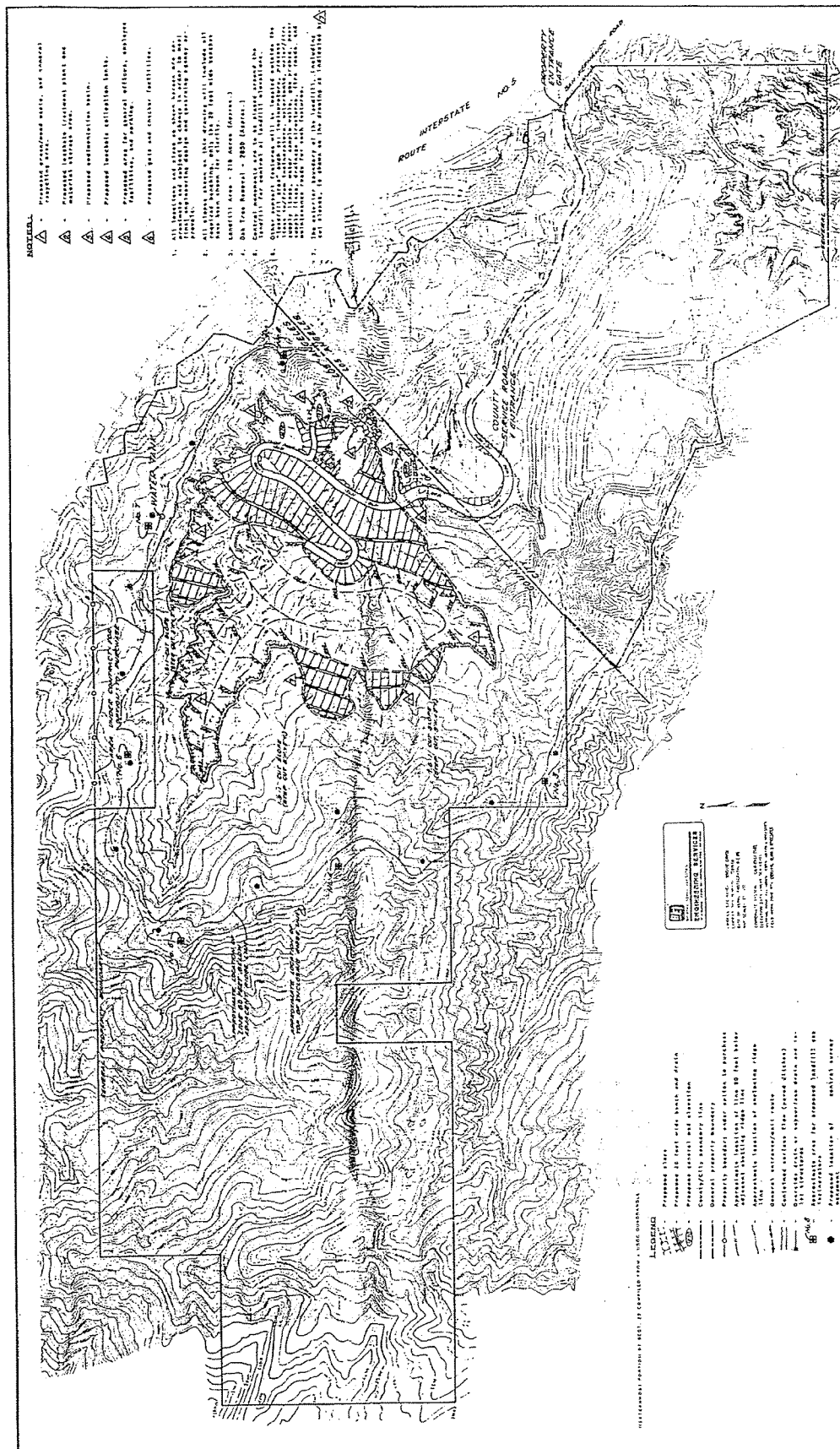
If any of the test results are inconsistent with the FSEIR as described in the consultant report, the Permittee shall submit a corrective action plan to the TAC within 15 days after receipt of the report to set forth a schedule for remedial action. The TAC shall consider the corrective action plan within 30 calendar days of its receipt and provide notice to the Permittee if such plan has been approved. If the TAC does not approve the corrective action plan, the Director of the Department may impose additional or different measures to reduce air quality impacts at the Facility. These additional measures may include requirements that the Permittee: (1) pave additional unpaved roads at the Facility; (2) water and apply soil sealant to additional Working Face areas; (3) relocate Working Face areas to designated locations during windy conditions; (4) monitor sensitive sites throughout the community; and/or (5) close the Facility during extreme wind conditions. The Permittee may appeal the Director's decision in accordance with the appeal provisions in Condition 11 for an appeal of a notice of violation.

The Director of the Department, with the advice of the TAC, may reduce the frequency of the consultant testing, or discontinue it altogether, if the Director finds that the test results are invalid or lack beneficial value.

In addition to the consultant's other duties under this Condition No. 81, within one year after the Effective Date, the consultant shall conduct testing of landfill gas, dust, and diesel particulates at Van Gogh Elementary School, and based on these results, shall project emissions for the development of the Landfill, and shall conduct on-site monitoring of these emissions consistent with SCAQMD rules and regulations. The test results and mitigations measures, if any, shall be submitted to SCAQMD and the TAC for evaluation and approval.

Notwithstanding the above, the TAC may rely upon the information and reports developed in compliance with the City's air quality requirements of Condition C.10.a of the City Ordinance, provided that such information and reports and their background data and analysis are deemed acceptable by the TAC to satisfy the intent of this Condition No. 81.

82. Within 90 days after the Effective Date, the Permittee shall install video monitoring equipment at the Facility to monitor Landfill operations at each Working Face area and at other critical locations to ensure compliance with the conditions of this grant. Copies of the video tapes shall be provided to DPH-LEA and the TAC upon request, and shall be kept and maintained at the Facility for one year after taping, unless the DPH-LEA determines, at its sole discretion, that the video tapes should be kept for a longer period to protect public health, safety, or the environment.
83. The Permittee shall provide access to a back-up generator for emergency use in case of a prolonged power outage at the Facility to prevent the migration/emission of Landfill gas, unless such a use is otherwise prohibited by SCAQMD due to air quality concerns.



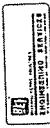
# EXHIBIT "A"

As Approved Richard F. Higgins

BFI  
Sunshine Canyon Landfill  
Replacement Conditional Use Permit 00-194-(5)

Exhibit A-1  
1/9/07

EXHIBIT A



**LEGEND**

Proposed slope  
Proposed 50 feet wide road and ditch  
Proposed bridge structure  
Proposed road alignment  
Proposed bridge structure  
Proposed road alignment  
Proposed bridge structure  
Proposed road alignment

NOTES: 1. THIS DRAWING IS A PART OF THE PROJECT AND SHOULD NOT BE USED SEPARATELY.

THE PRA GROUP, INC.		E.I.R. - SEQUENCE 2, DRAWING 3a		3a	
ENGINEERING & ARCHITECTURE		BROWNS - TERRY HOUSTON		1	
DATE: 10/10/78		DATE: 10/10/78		DATE: 10/10/78	
BY: [Signature]		BY: [Signature]		BY: [Signature]	
CHECKED: [Signature]		CHECKED: [Signature]		CHECKED: [Signature]	
APPROVED: [Signature]		APPROVED: [Signature]		APPROVED: [Signature]	

**EXHIBIT "A"**

ALTERNATE

As approved Richard J. [Signature]

BFI  
Sunshine Canyon Landfill  
Replacement Conditional Use Permit 00-194-(5)

Exhibit A-2  
1/9/07

EXHIBIT A (ALTERNATE)

**IMPLEMENTATION AND MONITORING PROGRAM**  
**PROJECT NUMBER 00-194-(5)**  
**SUNSHINE CANYON LANDFILL EXPANSION**  
**Attachment to the Conditions of Grant for**  
**Conditional Use Permit Number 00-194-(5)**

**PURPOSE.** This implementation and monitoring program ("IMP") is intended to implement and ensure compliance with the conditions of this grant and to complement the enforcement and monitoring programs routinely administered by County<sup>1</sup> agencies and non-county public agencies.

**PART I - LANDFILL ELEVATIONS.** The following measures shall be carried out to monitor compliance with Conditions Nos. 2, 7, 17, 18, 23, 32, 35, and 36 of this grant, which establish the Limits of Fill.

- A. Before commencing expansion of the Landfill beyond the limits established by Conditional Use Permit 86-312-(5), the Permittee shall install survey monuments around the perimeter of the Landfill, as depicted on Exhibit "A-1" and Exhibit "A-2," and as established by the limits of Condition No. 18.

The specific spacing, location, and characteristics of the survey monuments shall be as specified by the Director of Public Works and shall be at points where they will not be subject to disturbance of Landfill development.

The survey monuments shall be inspected and approved by the Director of Public Works after installation, and the "as installed" plan shall be provided to DPH-SWMP and to the Director of the Department.

Not less than 60 nor more than 90 days before the deadline for the annual monitoring report required by Part X of this IMP, the Permittee shall cause a licensed surveyor or registered civil engineer to conduct a survey of the Landfill's elevations and submit the results to the Director of Public Works for approval. Additional elevation surveys shall also be conducted by either of these professionals under the following circumstances: 1) in the event of an earthquake of magnitude (Richter) 5.0 or greater in the vicinity of the Facility; 2) as directed by the Director of Public Works or the DPH-SWMP; or 3) upon completion of the Landfill's final fill design.

The Director of Public Works may also conduct or order on-site surveys as he or she deems necessary and shall promptly report any apparent violation revealed by the survey to the Director of the Department and the DPH-SWMP.

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<sup>1</sup> Unless otherwise defined in this IMP, defined terms herein shall have the same meaning as in the Conditions of Approval for this grant.

- B. If the Director of Public Works approves grading or other disturbance in areas outside the Limits of Fill shown on Exhibit "A-1" and/or Exhibit "A-2" pursuant to Condition No. 35 of this grant, the Director shall refer a copy of such approval to the Director of the Department and the DPH-SWMP.

PART II – WASTE PLAN CONFORMANCE. The provisions of this Part II are intended to ensure compliance with the provisions of Condition Nos. 21, 22, 23, 24 and 25 of this grant, and to conform Landfill operations with the Los Angeles County Countywide Integrated Waste Management Plan adopted pursuant to Division 30 of the Public Resources Code.

- A. The Permittee shall ensure the proper installation and maintenance of scales to verify the weight of Solid Waste received, disposed of, used for Beneficial Use Materials at the Facility, and/or otherwise diverted and sent off-site for further handling and/or processing. The Permittee shall maintain records necessary to document the following: (1) the aforementioned weights; (2) compliance with waste restrictions imposed pursuant to the conditions of this grant; and (3) the fees charged for disposal at the Facility.
- B. All records shall be available for inspection by the DPH-SWMP, the Department of Public Works, the Department, and the Treasurer and Tax Collector during normal business hours, and shall be forwarded to such agencies upon request.

PART III – WASTE ORIGIN DATA ACCURACY. The provisions of this Part III are intended to ensure compliance with the provisions of Condition 22 of this grant. The Permittee shall adopt measures at the Facility to ensure the accuracy of the Solid Waste quantity allocated to County unincorporated areas. These measures shall apply to those customers of the Permittee who identify the source or origin of all or a portion of their waste loads as County unincorporated area, and shall become effective within 90 days after the Effective Date. Under these measures:

- A. The Permittee shall require written and verifiable documentation on source jurisdiction(s) and site address(es) where the Solid Waste is generated for loads from waste hauling industry customers ("Direct Haul Loads"), and written and verifiable documentation on source jurisdiction(s) for loads from transfer/processing facilities ("Transfer/Processing Loads"), the documentation of which shall be in a form developed by the Department of Public Works and distributed by the Permittee to its customers;
- B. The Permittee shall exempt from such documentation all customers tendering a minimum load, defined as a load having a net weight of less than one ton. However, such customers shall continue to verbally state the source of their loads;

- C. The Permittee shall investigate and verify the accuracy of all documentation provided for Direct Haul Loads;
- D. The Permittee shall forward all documentation for Transfer/Processing Loads to the Department of Public Works for review and verification;
- E. The Permittee shall forward all documentation for Direct Haul Loads from Solid Waste enterprises/waste haulers owned and operated by the Permittee or its subsidiaries to the Department of Public Works for review and verification;
- F. The Permittee shall impose a fee in an amount to be formulated by the Permittee in consultation with the Department of Public Works on Direct Haul Loads and self-haul loads that are tendered at the Facility without the required written documentation. The fee shall be non-refundable and shall offset the Permittee's cost to track non-complying loads and to follow-up with the customers involved;
- G. If the Director of Public Works determines that a Solid Waste enterprise, waste hauler, and/or Transfer/Processing operator has failed to substantiate the origin of the Solid Waste that was reported to have originated in County unincorporated area, the Director shall notify and direct the Permittee to impose a non-refundable penalty of \$5.00 per ton, based on all Solid Waste tonnage allocated to the County unincorporated area by the solid waste enterprise, waste hauler, or Transfer/Processing operator for that reporting period, which reporting period shall not exceed one month. The Permittee shall be responsible for collecting the fine and submitting it to the Department of Public Works within 60 days following such notification. The fines received by the Department of Public Works shall offset the cost of administering the waste origin verification program and of implementing other programs to mitigate the damages the County incurred under the California Integrated Waste Management Act of 1989, as amended, from such misallocation;
- H. Unless otherwise approved by the Director of Public Works, the Permittee shall suspend the disposal privileges of customers who fail to provide the written documentation required by this Part III within 14 calendar days following the tendering of an applicable load at the Facility, or of those customers who provide false, misleading, or inaccurate written documentation. Each suspension shall last up to 60 days;
- I. The Permittee shall extend the suspension period set forth above and shall possibly terminate the customer's disposal privileges for Transfer/Processing operators or waste haulers that repeatedly fail to substantiate the origin of their waste loads as required in this Part III, or who fail to pay the required penalties; and



- J. The Permittee shall provide a procedure for its customers to appeal the suspension to the Permittee, the Director of Public Works, or their designees, pursuant to this Part III and for immediate reinstatement of such privileges if the appeal is successful; and
- K. If the Permittee or the Director of Public Works determines that the origin of a waste load has been incorrectly reported, the Permittee shall correct the data submitted to the disposal reporting system to ensure its accuracy.

Prior to the implementation of the above measures, the Permittee shall, subject to the approval of the Director of Public Works, develop a waste origin verification and reporting program to include, but not be limited to, an outreach program to educate all customers of the Facility regarding the need to provide waste origin information, the requirements of the measures adopted pursuant to this Part III, and an explanation of the consequences for failure to comply with the measures. After the effective date of the adopted measures, the Permittee shall provide a 90-day grace period to its customers prior to taking any enforcement action to provide time for customer education on these measures. Based on the initial results obtained from the verification and reporting program, these measures may be amended or modified by the Director of Public Works. The Director of Public Works shall have the discretion to terminate the verification and reporting program at any time.

Twice monthly, the Permittee shall submit the results of the verification and reporting program to the Director of Public Works, along with any other written documentation on the waste load transactions at the Facility.

PART IV – HAZARDOUS WASTE EXCLUSION. This Part IV ensures compliance with Condition No. 28 of this grant regarding the exclusion of liquid, radioactive and hazardous waste from the Facility.

The Permittee shall maintain a comprehensive waste load checking program which shall require that:

- A. All waste hauling vehicles shall be screened at the scales with a radiation detector device, acceptable to the DPH-SWMP, for the presence of radioactive materials;
- B. Sensors capable of detecting volatile organic compounds acceptable to the DPH-SWMP shall be available at the Facility and used as directed by the DPH-SWMP;
- C. The scale operator shall question all drivers of suspect loads as to the source and nature of the loads, and shall inspect for contamination all large loads of earth brought into the Facility from areas not known to be free of contamination;

- D. The Landfill's Working Face areas shall be continuously inspected for hazardous and liquid waste, medical waste, and radioactive waste/materials. This inspection shall be accomplished by equipment operators and spotters who have been trained through an inspection program approved by the DPH-SWMP;
- E. Unless otherwise specified by DPH-SWMP, the Permittee shall conduct at least six manual inspections of randomly selected incoming Refuse loads each operating day, for a minimum of 36 inspections per week. In addition, the Permittee shall conduct a series of twelve, intensive unannounced manual inspections of Refuse loads over a twelve-month period during the life of this grant; and
- F. If on the basis of above-described inspections, the DPH-SWMP determines that significant amounts of prohibited waste are entering the Facility, the DPH-SWMP may require an expanded inspection program, which may include additional, unannounced manual inspections.

PART V – INDEMNIFICATION AGREEMENT. Prior to the Effective Date, the Permittee shall enter into an agreement with the County indemnifying the County for any damages to public property which may result from Landfill operations and for any expenses which may be incurred by the County in performing any on- and/or off-site remedial work necessitated by the Permittee's failure to operate or maintain the Facility at a level acceptable to the Director of Public Works or the County LEA, or for the Permittee's failure to perform any of this work in a timely manner. The work covered by this indemnification shall include, but not be limited to, work related to the Environmental Protection and Control Systems, litter and dust control, noise control, vector control, and maintenance of slopes. The standards for operation and maintenance shall be as established by the provisions of this grant and all applicable laws and implementing regulations.

To secure performance of the agreement, the Permittee shall tender to the Director of Public Works a letter of credit or other security acceptable to the County in the amount of \$10 million.

The security shall be in addition to any and all other security required by federal, state and local law, regulations and permits, including the security requirements of this grant and of the State landfill closure regulations.

PART VI - BIOLOGICAL/HORTICULTURAL MONITORING. This Part VI is intended to promote compliance with the provisions of Condition Nos. 44 and 45 of this grant concerning on-site planting, revegetation, and maintenance.

- A. Before using this grant, the Permittee shall retain a horticulture/forester consultant to supervise the on- and off-site slope planting and oak tree mitigation programs required by this grant and this IMP. The consultant shall be approved by the County Forester.

This consultant shall have the requisite education, training, experience, and professional standing to carry out the specific requirements of the position, as evidenced by appropriate licensing, registration and/or academic standing in the field of horticulture/forestry.

- B. In addition to the horticulture/forester consultant, prior to using this grant, the Permittee shall retain the services of a biology consultant, whose duties shall include: (a) the periodic review of any updated listings of threatened and endangered species contained in the Federal Register for purposes of determining whether species existing at the Facility have been re-classified with a "Category 1" status; and (b) participating in the revegetation program adopted for the Landfill.

This consultant shall have the requisite education, training, experience and professional standing to carry out the specific requirements of the position, as evidenced by appropriate licensing, registration and/or academic standing in the field of biology.

- C. If any retained consultant pursuant to this Part VI terminates employment at any time during the life of this grant, including during the Post Closure Maintenance Period, a replacement consultant shall be retained and approved as provided in this Part.

The Permittee shall create and maintain adequate records to track fill areas in accordance with the California Regional Water Quality Control Board requirements. These records shall indicate fill areas transferred to an inactive status which are potentially subject to the vegetation requirements in Condition Nos. 44 and 45. The Permittee shall make copies of such records available to the horticulture/forester consultant, the County LEA, the County Forester and other interested regulatory agencies, when a Landfill area becomes inactive.

**PART VII – ARCHEOLOGICAL/PALEONTOLOGICAL MONITORING.** The Permittee shall implement the monitoring program described in this Part VII to conserve archaeological and paleontological resources as required by Condition No. 62 of this grant.

- A. Before commencing grading activities in previously undisturbed areas, the Permittee shall nominate to the Director of the Department, both a certified archaeologist and a qualified paleontologist from the Society of Professional Archaeologists which the Permittee intends to retain to perform the monitoring and conservation work required by this Part VII and Condition No. 62 of this grant. If approved by the Director of the Department, the archaeologist and paleontologist shall both submit a letter to the Director stating that he/she has been retained to perform or supervise the work described herein, and that he/she agrees to report any failure of compliance with this grant or this Part VII to the Director.

- B. The archaeologist and the paleontologist shall each submit a written report to the Permittee to be included in the Permittee's annual monitoring report required by Part X of this IMP for as long as on-site excavation activity continues at the Facility, or upon the respective expert's termination of employment, in which case the report shall be submitted to the Director of the Department.
- C. If either the archaeologist or paleontologist terminates employment before completion of the excavation work associated with the Facility, a replacement expert shall be selected, approved, retained and certified as described in this Part VII.

PART VIII – ANCILLARY FACILITIES. This Part VIII is intended to enhance compliance with Condition No. 2 of this grant concerning the Ancillary Facilities at the Facility, and to verify that such Ancillary Facilities are consistent with the other conditions of this grant and with the provisions of Title 22 of the Los Angeles County Code ("County Zoning Ordinance").

Before commencing development or obtaining a building permit for any Ancillary Facility, the Permittee shall submit to the Director of the Department a site plan for such Ancillary Facility. The plan shall be in sufficient detail to establish compliance with the conditions of this grant and with the standards of the County Zoning Ordinance, including the provisions relating to the development and maintenance of parking, screening and signs, as set forth in Chapter 52 of the County Zoning Ordinance.

PART IX – COMMUNITY ADVISORY COMMITTEE. The Community Advisory Committee ("CAC"), appointed by the Board, shall continue to serve as a liaison between the Permittee and the community, and as a conduit for the community to communicate with the Commission and other regulatory agencies on an ongoing basis regarding issues involving the development and operation of the Facility. The CAC shall be composed of persons who reside in the vicinity of the Facility and who are recommended by recognized community and neighborhood associations. The respective Board members in whose district the Facility is located, and whose district the Facility is most nearly adjacent (i.e., the Third and Fifth Supervisorial Districts), shall each appoint a representative to serve as coordinators for the CAC and shall nominate committee members.

For the life of this grant, the Permittee shall continue to do the following regarding the CAC:

- A. Provide qualified personnel to regularly attend CAC meetings;
- B. Provide the CAC reasonable access to the Facility and information concerning Landfill operations necessary for the CAC to perform its functions;

- C. Provide accommodations for CAC meetings; and
- D. Provide funding, not to exceed \$20,000 per annum, for the CAC to retain independent consultants for CAC-related matters; provided that all consultants shall have the requisite education, training, and experience to undertake the work and shall have no conflict of interest with the Permittee or any member of the CAC.

The CAC shall be provided access to all reports submitted by the Permittee to any and all regulatory agencies required under this grant, including the annual monitoring report required by Part X of this IMP. The Permittee shall also consult the CAC on planning matters that could affect the physical development or future use of the Facility.

PART X – MONITORING REPORTS. This Part X is intended to enhance the continuing oversight of Landfill operations and to supplement the routine enforcement activities of the various regulatory agencies having jurisdiction over the development, operation, and maintenance of the Facility.

- A. By June 1 of each year until the Landfill's Closure, the Permittee shall prepare and submit annual monitoring reports to the Commission. At least 60 days prior to that date, draft copies of the report shall be submitted to the following entities for review and comment:
  - 1. DPH-SWMP;
  - 2. Director of the Department;
  - 3. Director of Public Works;
  - 4. Los Angeles County Forester and Fire Warden;
  - 5. Regional Water Quality Control Board-Los Angeles Region;
  - 6. South Coast Air Quality Management District;
  - 7. County Museum of Natural History; and
  - 8. Community Advisory Committee;

The draft submittal to the above-referenced entities shall include a request that comments be sent to the Permittee within 30 days of receipt of the draft report, but no later than 15 days prior to the deadline for the final report. The Permittee shall provide documentation to the Director of the Department that the draft reports have been submitted to these entities.

The Permittee shall respond to each comment received by these entities and shall include every comment and response with the final report submitted to the Commission and the Technical Advisory Committee, as described in Part XII of this IMP. A copy of the final report shall be provided to the local county library and posted on the Permittee's website.

Upon receipt of the monitoring report, the Commission may request the Permittee to submit additional information as it deems necessary to carry out the purposes of this IMP.

B. Each monitoring report shall contain, at a minimum, the following:

1. A cumulative total of all Solid Waste disposed of at the Landfill (i.e. City, County, and/or combined City/County portions), the percent of total available capacity used, the remaining disposal capacity in volume and in tons, and a detailed site map/plan showing the sequence of Landfill operations;
2. A copy (which may be reduced and simplified to fit the report format) of the most recent approved Landfill survey (as required in Part I of this IMP) showing the Limits of the Fill and the height and extent of the current fill;
3. The achieved ratio of weight to volume of Solid Waste disposed of at the Landfill and a comparison of that ratio with the ratio achieved at comparable landfills in the County, with an explanation of any significant deviation;
4. A summary of the rates (quantity per month) of Solid Waste received, disposed of, used for Beneficial Use Materials at the Facility, and/or otherwise diverted and/or sent off-site for further handling/processing, for the period established by the Director of Public Works, or from the last monitoring report, in sufficient detail to explain significant changes and variations of the rates over time;
5. A summary of the measures taken by the Permittee to divert and recycle materials at the Facility, how the measures compare with waste management plans adopted by the County and various cities, and the overall effectiveness of such measures in achieving the intent of this grant and the County's waste management plans;
6. A summary of the number and character of litter, noise, fugitive dust, and odor complaints received in the reporting period, the disposition of such complaints, and any new or additional measures taken to address or avoid future complaints;

7. A detailed accounting of any and all citations the Facility received from any regulatory agency for violations in operating the Facility (including violations related to litter, odor, fugitive dust, noise, Landfill gas, or other Environmental Protection and Control Systems), the disposition of the citations, and the penalties assessed and fees paid;
  8. A report on all interim and final fill revegetation, including an assessment of the success of such revegetation and any additional measures necessary or proposed to effect successful revegetation;
  9. The archaeological and paleontological reports required in Part VII;
  10. A summary of the measures taken by the Permittee to promote and implement alternative technologies most appropriate for Southern California from an environmental and economic perspective, as required by Condition Nos. 69 and 73 of this grant;
  11. A summary of the measures taken by the Permittee to develop transportation improvements in the surrounding areas of the Facility, as required by Condition Nos. 57 and 67 of this grant;
  12. A summary of the measures taken by the Permittee to minimize truck traffic at the Facility as required by Condition Nos. 26, 27, 57, 59, 60, 61 of this grant; and
  13. A summary of the measures taken by the Permittee to utilize Landfill gas to generate energy at the Facility as required by Condition No. 52 of this grant.
- C. Nothing in this Part X shall be construed in any way to limit the authority of a Hearing Officer, the Commission, or the Board to initiate any proceeding to revoke or modify this grant as provided in Condition No. 11 of this grant or under Part 13, Chapter 56, of the County Zoning Ordinance.

**PART XI – COMPENSATION.** The Permittee shall compensate all involved County departments for the expenses incurred in the administration of this grant, including the administration of this IMP and the Mitigation Monitoring and Reporting Summary ("MMRS") in the project's supporting environmental documentation, not otherwise covered by the fees paid for administration of the SWFP for the Facility. Such compensation shall be computed using the actual hours expended multiplied by the most current applicable hourly rates available at the time that the expenses are incurred, as approved by the County Auditor-Controller. The expenses of the DPH-SWMP shall include its personnel, equipment, and transportation costs.

PART XII – TECHNICAL ADVISORY COMMITTEE ("TAC"). An ad hoc committee of County departments, chaired by the Director of the Department or his/her designee, shall be established for the purpose of reviewing, coordinating, and certifying the satisfactory implementation and/or completion of the plans, permits, and/or agreements required and/or authorized by this grant, including the implementation and/or completion of the Conditions of Approval, this IMP, and the MMRS.

- A. Composition. The TAC shall be composed of representative(s) of the following County departments, and other County departments on an as-needed basis:
1. DPH/County LEA;
  2. The Department;
  3. The Department of Public Works; and
  4. The Forester and Fire Warden;
- B. Meeting/Purposes. The TAC shall meet at least twice a year to ensure the purposes of the conditions of this grant are satisfied and to ensure compliance with the approvals and regulations of State and Federal agencies that regulate and permit the Facility. One of TAC's annual meetings shall be conducted to review the annual report submitted by the Permittee as required by Part X of this IMP and to certify that all requirements of the conditions of this grant have been met as reflected in the annual report. The TAC shall review specific requests from the CAC regarding compliance with this grant.

In addition to any other TAC requirement of this Part XII, the TAC, upon application of the Permittee, shall determine compliance with this grant: 1) within six months after the Effective Date; 2) prior to the Permittee's development of the City/County Project (excluding final approval of plans, permits and agreements); and/or 3) prior to the Permittee's commencement of the Closure process. The TAC shall meet for this purpose and if all of the conditions and requirements of this grant have been met for purposes of commencing any of these phases of the project, the TAC shall certify compliance.

- C. Access to the Facility and Information. The Permittee shall provide access to the TAC and its independent consultant(s) to all areas of the Facility during normal hours of operation and shall respond to all information requests from the TAC in a timely manner as specified by the TAC regarding compliance with the conditions of this grant and the MMRS.



- D. The Permittee may appeal an adverse determination of the TAC to the Director of the Department, whose decision shall be final.
- E. Upon the effective date of this grant, the TAC shall retain the services of an independent consultant to monitor any and/or all of the Conditions and mitigation measures of this grant for a minimum of five years. After the commencement of City/County Project operations, it is anticipated that a single independent consultant, jointly chosen by the County and City, will monitor the conditions and mitigation measures of this grant and the City Ordinance, pursuant to a Joint LEA Agreement. However, if a single consultant is not retained for the City/County Project, or the City/County Project does not go forward, the Director of the Department, upon recommendation by the TAC, may continue to retain such services of an independent County consultant as necessary throughout the life of this grant. The Permittee shall pay all costs for the independent consultant within 30 days of receiving the invoice for the consultant's services.